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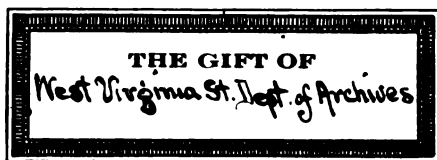
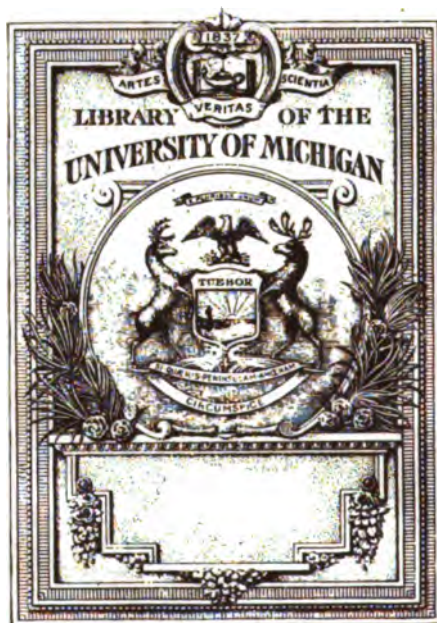
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JOURNAL OF THE
House of Delegates

OF THE



STATE OF WEST VIRGINIA

FOR THE

THIRTY-FOURTH REGULAR SESSION

Commencing January 14, 1919

AND THE

EXTRAORDINARY SESSION

Commencing March 11, 1919



CHARLESTON - 1919



TRIBUNE PRINTING CO., CHARLESTON, W. VA.

REGULAR SESSION

357131

List of Members and Officers of the Legislature of West Virginia

REGULAR SESSION 1919

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	G. R. Blissard, (R.).....	Edmond
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	Walter M. Morris, (R.).....	Mt. Clare
	William E. Starcher, (R.).....	Clarksburg
	George W. Sturm, (R.).....	West Milford
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Kanawha.....	George W. McClintic, (R.).....	Charleston
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	Orville Hackney, (R.).....	Charleston
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	Geo. B. Hendricks, (R.).....	Charleston
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Lincoln.....	John S. Pridmore, (R.).....	Hamlin
Logan.....	Robert Bland, (D.).....	Logan

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	M. F. Hamilton, (D.).....	Mannington
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	Geo. W. Byrnes, (R.).....	Moundville
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	G. W. McDermitt, (R.).....	Millwood
Mercer.....	A. F. Wyson, (R.).....	Princeton
	M. H. Pedigo, (R.).....	Bluefield
	W. R. Godfrey, (R.).....	Matoaka
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Mingo.....	Rice Thomas, (D.).....	Williamson
Monongalia.....	William S. John, (R.).....	Morgantown
	Frank M. Brand, (R.).....	Morgantown
Monroe.....	E. I. Spangler, (R.).....	Peterstown
Morgan.....	N. E. Perin, (R.).....	Berkeley Springs
Nicholas.....	Jettes Molohan, (D.).....	Summersville
McDowell.....	L. C. Anderson, (R.).....	Welch
	C. C. Hale, (R.).....	Keystone
	W. J. McClaren, (R.).....	Welch
	H. J. Capehart, (R.).....	Keystone
Ohio.....	W. T. Otto, (R.).....	Wheeling
	H. C. Richards, (R.).....	Wheeling
	Harry A. Weiss, (R.).....	Wheeling
	S. A. Williams, (R.).....	Wheeling
Pendleton.....	Gilbert Calhoun, (D.).....	Dry Run
Pleasants.....	Joe Williams, (R.).....	St. Marys
Pocahontas.....	H. Blackburn, (R.).....	Cass
Preston.....	E. Vernon Fortney, (R.).....	Kingwood
	Leroy Shaw, (R.)*.....	Kingwood
Putnam.....	C. W. Taylor, (R.).....	Hurricane
Raleigh.....	W. H. Cunningham, (R.).....	Blue Jay
	E. Clyde Scott, (R.).....	Beckley
Randolph.....	James G. O'Connor, (D.).....	Elkins
	James Coberly, (D.).....	Elkins
Ritchie.....	B. R. Twyman, (R.).....	Cairo
Roane.....	A. M. Hersman, (R.).....	Spencer
	G. T. Sarver, (R.).....	Ernest
Summers.....	J. H. Hobbs, (R.).....	Hinton
Taylor.....	L. D. Vaughn, (R.).....	Grafton
Tucker.....	D. E. Cuppett, (R.).....	Thomas
Tyler.....	Frank R. Hickman, (R.).....	Middlebourne
Upshur.....	John B. Hileary, (R.).....	Buckhannon
Wayne.....	Chas. G. Peck, (D.).....	Cerodo
	W. K. Ferguson, (D.).....	Fort Gay
Webster.....	J. A. Neal, (D.).....	Skyles
Wetzel.....	Septimius Hall, (D.).....	New Martinsville
	L. E. Lantz, (D.).....	Jacksonburg
Wirt.....	W. T. Cox, (R.).....	Elisabeth
Wood.....	P. L. Jones, (R.).....	Parkersburg
	W. L. McPherson, (R.).....	Parkersburg
	J. J. Swisher, (R.).....	Parkersburg
Wyoming.....	D. D. Moran, (R.).....	Mullens

(R)..... Republicans.

(D)..... Democrats.

(*) Deceased. Theo. F. Imbach, December, 1918. Leroy Shaw, April, 1919.

Republicans.....70

Democrats.....24

Standing Committees of the House of Delegates

PRIVILEGES AND ELECTIONS.

Messrs. Cuppett (*Chairman*), Richards, Moran, Clements, Hickman, Scott, Williams (of Pleasants), Blizzard, Bland, Moore and Peck.

JUDICIARY.

Messrs. Moore (*Chairman*), John, Cuppett, Anderson, McClintic, Fortney (of Preston), Hackney, Richards, Scott, Moran, Nutter, Kuykendall, McCauley, Kern and Coberly.

FEDERAL RELATIONS.

Messrs. Scott (*Chairman*), Godfrey, Coon, Fitch, Blizzard, Kuykendall, Starcher, Hackney, Pedigo, Otto, Swisher, Thurmond, Ferguson, Calhoun and Hamilton.

TAXATION AND FINANCE.

Messrs. Parsons (*Chairman*), Williams (of Ohio), Grove, Byrnes, Hersman, Houvouras, Perin, Pettigrew, Swisher, Twyman, Hickman, Capehart, Bray, Hall and Hayes.

MILITARY AFFAIRS.

Messrs. Moran (*Chairman*), Hilleary, Richards, McDermitt, Anderson, Fortney (of Harrison), Cunningham, Musser, Weiss, Twyman, Hobbs, Peck, Lantz, Hall and Kern.

PROHIBITION AND TEMPERANCE.

Messrs. Neale (of Cabell) (*Chairman*), Blackhurst, Parsons, Rankin, Pedigo, John, Hobbs, Mahan, Morris, Twyman, Sarver, Harvey, McCauley, O'Connor and Ferguson.

EDUCATION.

Messrs. Sarver (*Chairman*), Brammer, Anderson, Coon, Cuppett, Hackney, Hayes, Howard, Kern, Kuykendall, McDermitt, McPherson, Rankin, Summers and Williams (of Pleasants).

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Messrs. Otto (*Chairman*), Neale (of Cabell), Neal (of Webster), Vaughn, Vanmeter, Blackhurst, Brand, Cox, Ferguson, Hall, Hamilton, Hilleary, Hobbs, Jones and Mahan.

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Messrs. Swisher (*Chairman*), McClaren, Neale (of Cabell), Otto, Pride-more, Spangler, Taylor, Ferguson, Godfrey, Hickman, Hilleary, Lantz, Lester, Miller and Moran.

FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Rankin (*Chairman*), Grove, Howard, Vanmeter, Starcher, Nutter, Pettigrew, Musser, Pridemore, Wysong, Brand, Lester, Summers, Hayes and Bland.

CLAIMS AND GRIEVANCES.

Messrs. Blackhurst (*Chairman*), Anderson, McClintic, Scott, Moore, John, Cuppett, Richards, Moran, Capehart, Bland, Kern, Kuykendall, McCauley and Fortney (of Preston).

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Messrs. Byrnes (*Chairman*), Neale (of Cabell), Mahan, Coleman, Moulds, Cox, Pridemore, Shaw, Morris, Hilleary, Lester, Hamilton, Harvey, Richards and Thomas.

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IMMIGRATION AND AGRICULTURE.

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RULES.

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 Clerk—JOHN T. HARRIS, Parkersburg.
 Chief Assistant—HOMER GRAY, Wheeling.
 Sergeant-at-Arms—BONNER HILL, Charleston.
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	*Joseph S. Lewis, (R.).....	Oak Hill
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	*Edgar B. Stewart, (R.).....	Morgantown
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	*Harvey W. Harmer, (R.).....	Clarksburg
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	*Herman G. Johnson, (R.).....	Elkins
Fourteenth.....	S. L. Cobun, (R.).....	Masontown
	*George B. Harmon, (R.).....	Maysville
Fifteenth.....	G. K. Kump, (D.).....	Romney
	*Milton Burr, (D.).....	Bardane

(R)..... Republicans.
 (D)..... Democrats.
 (*)..... Holdover Senators.

Republicans.....23
 Democrats.....7

Standing Committees of the Senate

PRIVILEGES AND ELECTIONS.

Messrs. J. S. Lewis (*Chairman*), Elmer Hough, J. W. Luther, M. K. Duty, S. L. Cobun, W. L. Poling, A. E. Scherr, G. K. Kump and A. R. Montgomery.

JUDICIARY.

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LABOR.

Messrs. Raymond Dodson, (*Chairman*), Harvey W. Harmer, Floyd S. Chapman, Herman G. Johnson, J. S. Lewis, Jesse A. Bloch, M. K. Duty, H. G. Vencill and J. E. Frazier.

CLAIMS AND GRIEVANCES.

Messrs. George B. Harman (*Chairman*), W. F. Burgess, Elmer Hough, E. R. Staats, William York, C. C. Coalter, G. C. Arnold, H. G. Vencill and A. R. Montgomery.

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VIRGINIA DEBT.

Messrs. M. K. Duty (*Chairman*), Joseph M. Sanders, Herman G. Johnson, E. B. Stewart, Wallace M. Gribble, Carl H. Hunter, Raymond Dodson, F. S. Chapman, Fred L. Fox, E. H. Morton and G. K. Kump.

JOINT COMMITTEE ON PASSED BILLS ON THE PART OF THE SENATE.

Messrs. W. L. Poling, (*Chairman*), H. W. Harmer, F. S. Chapman, A. R. Montgomery and J. E. Frazier.



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Gwinn, R. E., appointed clerk to the committee on railroads.....	42
Hartinger, Hugh, appointed assistant journal page.....	42
Hamilton, J. C., appointed desk clerk.....	42
Hays, G. W., appointed assistant to the committee on enrolled bills.....	363
Higginbotham, Ernest, appointed assistant clerk.....	43

Holmes, Harold, appointed floor page.....	42
Hood, Carrie L., appointed stenographer to the speaker.....	42
Hughes, S. H., appointed cloak room keeper.....	101
Hutchinson, W. H., appointed assistant to the sergeant-at-arms.....	42
Hyer, Mrs. Mary, appointed clerk to the committee on roads and internal navigation.....	42
Jarrett, E. T., appointed assistant clerk.....	43
Jarrett, Homer, appointed assistant printing clerk.....	42
Johnson, Frank, appointed toilet room keeper.....	42
Johnson, Tom, appointed cloak room keeper.....	42
Knight, Rev. J. M., appointed house chaplain.....	102,
prayer by.....	13, 81, 102, 117, 140, 156, 174, 187, 201 223, 237, 260, 281, 300, 318, 340, 383 417, 437, 472, 519, 565, 664, 698, 757, 798, 894
King, M. H., appointed clerk to the committee on taxation and finance.....	42
Linville, Sherman, appointed clerk to the committee on insurance.....	42
Lowdin, E. E., appointed assistant gallery door keeper.....	101
Malamphy, M. J., Jr., appointe ^d desk clerk.....	42
Martin, Herman O., appointed floor page.....	42
Matthews, H. D., appointed stenographer.....	43
Matthews, Ralph C., appointed stenographer.....	43
Mayer, Albert, appointed floor page.....	897
Maynor, Ira, appointed assistant journal page.....	42
McFris, Robert, appointed floor page.....	42
McClung, G. Z., appointed cloak room keeper.....	101
McCown, Effie, appointed stenographer to the clerk.....	43
McGee, Emerson, appointed assistant clerk.....	43
McGlothlin, J. E., appointed journal editor.....	43
McGrew, Frank A., appointed supervisor of committee clerks.....	174
McGrew, Seaman, appointed banking and mailing clerk.....	42
extension of time given to.....	897
Nusum, C. A., appointed clerk.....	42
Parker, Miss Frank, appointed stenographer for the minority side.....	42
Parsons, T. W., appointed day watchman.....	42
Perry, Maude, appointed stenographer.....	42
Pettigrew, Rebecca, appointed clerk.....	42
Reed, Thos. B., appointed journal page.....	174
Rock, R. C., appointed stenographer.....	43
Rudehill, Donald B., appointed page.....	102
Rumburg, W. H., appointed printing clerk.....	42
Schafer, Louis, appointed night watchman.....	42
Sevey, Forest, appointed floor page.....	467
Slaughter, A. K., appointed supervisor of printing.....	43
Smith, Dorothea, appointed stenographer to the committee on taxation and finance.....	42
Smith, Floy ^e , appointed gallery door keeper.....	42
Smith, J. K., appointed gallery door keeper.....	42
Staats, Beverly, appointed floor page.....	42
Staats, M. C., appointed librarian.....	42
Staats, I. C., appointed clerk to the committee on counties, districts and municipal corporations.....	42
Stone, E. A., appointed private secretary to the speaker.....	42
Swisher, Cymden, appointed bill receipt clerk.....	43
Thompson, Cyrus, appointed floor page.....	42
Thornton, Bob, appointed cloak room keeper.....	42
Thornhill, Lucy, appointed printing clerk.....	126
Turner, Charles, appointed toilet room keeper.....	101
Wade, E. B., appointed clerk to the committee on mines and mining.....	42
Wait, A. M., appointed committee clerk.....	101
Watson, W. H., appointed printing clerk.....	42
Webster, W. H., appointed assistant door keeper.....	42
Wilmore, G. W., appointed chief of pages.....	383
extra pay allowed to.....	897
Wilmore, Lewis, appointed stenographer to the committee on the judiciary.....	42
Wood, Chas. W., Jr., appointed floor page.....	174
Woods, Samuel, appointed cloak room keeper.....	42

Zinn, G. C., appointed clerk to the committee on labor.....	42
AUDITOR, STATE:	
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BANNISTER, G. T., a Delegate from Fayette County:	
qualified.....	2
bills introduced by.....	36
appointed on standing committees.....	13, 18
BLACKHURST, H., a Delegate from Pocahontas County:	
qualified.....	3
prayer offered by.....	52
bills introduced by.....	70
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	194
reports by as chairman committee on counties, districts and municipal corporations.....	300, 418, 434, 802
BLAND, ROBERT, a Delegate from Logan County:	
qualified.....	2
appointed on standing committees.....	13, 14, 15
appointed to communicate to senate.....	375
leave of absence granted.....	635
motions by.....	374
BLIZZARD, G. R., a Delegate from Fayette County:	
qualified.....	2
bills introduced by.....	20, 21, 64
petitions presented by.....	47, 248
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	147, 265, 484, 546, 576
ayes and noes demanded by.....	322
leave of absence granted.....	759
motions by.....	117, 132, 237, 333, 370, 399, 416, 489, 588, 676
BOARD OF PUBLIC WORKS:	
communications from.....	649, 734, 735, 815
BOND, DR. W. R.:	
license to practice medicine and surgery.....	329, 347, 348, 629, 656
BRAND, WM. S., a Delegate from Monongalia County:	
qualified.....	2
bills introduced by.....	39, 70, 84, 85, 189, 202, 216
petitions presented by.....	247
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	106, 295, 524
reports by as chairman committee on humane institutions and public buildings.....	102, 103, 157, 385
ayes and noes demanded by.....	313, 428, 658
one of special committee.....	81

BRAMMER, R. F., a Delegate from Cabell County:

qualified.....	2
bills introduced by.....	188
petitions presented by.....	349, 420
appointed on standing committees.....	14, 15, 16
reports by as chairman committee on education.....	304, 419
motions by.....	437

BRAY, A. B. C., a Delegate from Greenbrier County:

qualified.....	2
bills introduced by.....	144, 190
petitions presented by.....	17
appointed on standing committees.....	13, 14, 15
ayes and noes demanded by.....	612
one of special committee.....	367, 958
leave of absence granted.....	87
motions by.....	406, 434, 448, 515, 611, 669, 670, 675, 824, 862, 874, 892

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BYRNES, GEO. W., a Delegate from Marshall County:

qualified.....	2
bills introduced by.....	48, 123, 143, 286
petitions presented by.....	285
appointed on standing committees.....	13, 15
appointed to communicate to senate.....	294

CALHOUN, GILBERT, a Delegate from Pendleton County:

qualified.....	3
bills introduced by.....	85
appointed on standing committees.....	13, 15, 16
appointed to communicate to senate.....	547, 951
motions by.....	402, 438

CAPEHART, H. J., a Delegate from McDowell County:

qualified.....	2
bills introduced by.....	20
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	196, 878
reports by as chairman committee on judiciary.....	27
motions by.....	448, 770

CHILTON, HON. WM. E.:

invited to address joint assembly on subject of the 'Northwest Territory'.....	677
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CLEMENTS, EDWARD J., a Delegate from Kanawha County:

qualified.....	26
appointed on standing committees.....	13, 15

CLERK HOUSE OF DELEGATES:

nominated and elected.....	5
qualified.....	5
providing for appointment of assistant clerks, etc.....	26
notified senate and governor of election of speaker pro tempore.....	300
to mail U. S. senators and representatives copies of H. B. No. 104, and house journal.....	649
providing for time extension of clerk and assistants.....	895, 896

COBERLY, JAS., a delegate from Ralldolph County:

qualified.....	3
bills introduced by.....	38, 203, 392
petitions presented by.....	267
appointed on standing committees.....	13, 15, 16
ayes and noes demanded by.....	863
one of special committee.....	575
motions by.....	447, 489, 629, 863, 883

COLEMAN, JOHN V., a Delegate from Fayette County:

qualified.....	2
bills introduced by.....	96
appointed on standing committees.....	15, 16
motions by.....	874

COON, ERNEST E., a Delegate from Boone County:

qualified.....	1
bills introduced by.....	85, 392
resolutions offered by.....	62, 177
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	296
motions by.....	119, 218, 219, 304, 314, 462, 742, 770, 771, 772, 816, 983

COSNER, J. W., a Delegate from Braxton County:

qualified.....	2
resolutions offered by.....	352
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	733, 886
leave of absence granted.....	117, 318

COX, W. T., a Delegate from Wirt County:

qualified.....	93
bills introduced by.....	161, 176
appointed on standing committees.....	14, 15, 16
leave of absence granted.....	299
motions by.....	298

CUNNINGHAM, W. H., a Delegate from Raleigh County:

qualified.....	3
bi is introduced by.....	20, 124, 496
appointed on standing committees.....	13, 15, 16
appointed to communicate to senate.....	149, 292, 354, 445, 609
leave of absence granted to.....	670
motions by.....	257, 258, 394, 501, 612, 699

CUPPETT, D. E., a Delegate from Tucker County:

qualified.....	3
bills introduced by.....	129, 124, 286
appointed on standing committees.....	13, 14, 15
appointed to communicate to senate.....	496
reports by as chairman committee on elections and privileges.....	56
ayes and noes demanded by.....	134, 166
one of special committee.....	81, 988
presided.....	859
motions by.....	71, 114, 447, 816

CURTIS, W. H. C.:

nominated and elected sergeant-at-arms.....	5
qualified.....	6
authorized to draw warrants.....	896, 897, 999
allowed time extension.....	896

DINGESS, LEE A.:

license to practice law.....	177, 473
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FERGUSON, W. K., a Delegate from Wayne County:

qualified.....	3
bills introduced by.....	63, 70, 105, 591
resolutions offered by.....	351, 574, 575
petitions presented by.....	575
appointed on standing committees.....	13, 14, 708
appointed to communicate to senate.....	438, 626, 940
ayes and noes demanded by.....	427
one of special committee.....	980
motions by.....	78, 178, 272, 401, 411, 427, 437, 501, 591, 771, 774, 863, 938, 939

FITCH, O. W., a Delegate from Cabell County:

qualified.....	2
appointed on standing committees.....	13, 15, 16
appointed to communicate to senate.....	914
motions by.....	480

FORTNEY, JOHN W., a Delegate from Harrison County:

qualified.....	
appointed on standing committees.....	13, 16
leave of absence granted.....	306

FORTNEY, E. VERNON, a Delegate from Preston County:

qualified.....	3
bills introduced by.....	39, 92, 144, 161, 487
resolution in behalf of.....	685
petitions presented by.....	176
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	191, 599, 635, 942, 943, 981
one of special committee.....	980
motions by.....	117, 257, 313, 318, 409, 448, 518, 519
	554, 565, 588, 634, 644, 710, 859, 890, 913

FRASHER, ALLEN:

license to practice optometry.....	574, 575, 625
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FRY, FRANK H.:

license to practice medicine and surgery.....	351, 437
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GLASSCOCK, WM. E., et als, vs. GEO. C. STURGISS:

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GODFREY, W. R., a Delegate from Mercer County:

qualified.....	2
bills introduced by.....	50, 69, 84, 92, 189, 422, 446
resolutions offered by.....	126
appointed on standing committees.....	13, 14, 16, 126
appointed to communicate to senate.....	341, 491, 571, 758
reports by as chairman committee on passed bills.....	529, 530, 531, 532, 533, 534, 602, 603, 604
	642, 643, 681, 735, 736, 737, 739, 740, 745, 747
	75, 777, 842, 843, 846, 847, 848, 849, 851, 868
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	969, 970, 971, 972, 973, 974, 975, 976, 977, 978
reports by as chairman committee on enrolled bills.....	342, 343, 345, 346, 385, 475, 476, 477, 478
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invited to address house.....	839

GROVE, ROY C., a Delegate from Berkeley County:

qualified.....	1
bills introduced by.....	143, 188, 227, 286
petitions presented by.....	391, 445
appointed on standing committees.....	13, 14, 15, 16, 126, 486
appointed to communicate to senate.....	464
one of special committee.....	988
leave of absence granted.....	542
motions by.....	79, 257, 258, 371, 437

HACKNEY, ORVILLE, a Delegate from Kanawha County:

qualified.....	2
bills introduced by.....	49, 125, 155, 161
petitions presented by.....	228, 249
appointed on standing committees.....	13, 14, 15
appointed to communicate to senate.....	214, 395, 396, 636, 670, 696, 853, 877, 917, 919
presided.....	495
motions by.....	199, 372, 395, 414, 611

HALE, C. C., a Delegate from McDowell County:

qualified.....	3
bills introduced by.....	156, 307, 422, 527
appointed on standing committees.....	14, 15
appointed to communicate to senate.....	334
reports by as chairman committee on mines and mining.....	323
motions by.....	96, 128, 426, 438, 527, 883

HALL, SEPTIMIUS, a Delegate from Wetsel County:

qualified.....	3
bills introduced by.....	84, 351
resolutions offered by.....	73, 87
petitions presented by.....	349
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	252, 339, 421, 523, 548, 783, 944
ayes and noes demanded by.....	193, 311, 393, 654, 769, 810, 811
one of special committee.....	81, 988
presided.....	1
points of order raised by.....	810
communications presented.....	403, 446
motions by.....	185, 193, 288, 298, 310, 329, 336 366, 400, 420, 517, 639, 816, 865, 881

HAMILTON, M. F., a Delegate from Marion County:

qualified.....	2
bills introduced by.....	19
resolutions offered by.....	247
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	149, 390
one of special committee.....	988
motions by.....	81, 386, 389, 883

HAMRICK, E. D.:

license to practice medicine and surgery.....	574, 575, 625
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HARRISON, HONORABLE RANDOLPH:

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HARVEY, L. T., a Delegate from Braxton County:

qualified.....	2
prayer offered by.....	9, 66
resolutions offered by.....	350, 394
petitions presented by.....	202, 228, 371
appointed on standing committees.....	14, 15, 16
leave of absence granted.....	178, 272
motions by.....	117, 318

HAYS, F. N., a Delegate from Gilmer County:

qualified.....	2
resolutions offered by.....	73, 87
petitions presented by.....	350, 486
appointed on standing committees.....	13, 14, 15, 17
appointed to communicate to senate.....	688
ayes and noes demanded by.....	367, 596, 772
one of joint committee to notify governor that legislature was ready to adjourn.....	990
report of.....	991
motions by.....	5, 117, 133, 134, 273, 312, 330, 394, 429 663, 686, 781, 863, 884, 987, 991

HEFNER, M. W.:

license to practice law.....	352, 473, 687, 806
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HENDRICKS, GEO. B., a Delegate from Kanawha County:

qualified.....	2
bills introduced by.....	39
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	706
motions by.....	313, 318

HERSMAN, A. M., a Delegate from Roane County:

qualified.....	3
bills introduced by.....	19, 40, 327
appointed on standing committees.....	13, 15, 16
appointed to communicate to senate.....	115, 600, 692
reports by as chairman committee on immigration and agriculture.....	60, 122, 158, 241
one of special committee.....	575
leave of absence granted.....	162
points of order raised by.....	290, 462
motions by.....	253, 257, 299, 317, 400, 421, 462 552, 596, 600, 691, 692, 708, 770, 771

HICKMAN, FRANK R., a Delegate from Tyler County:

qualified.....	3
bills introduced by.....	336
appointed on standing committees.....	13, 14, 15
one of special committee.....	81

HILLEARY, JOHN B., a Delegate from Upshur County:

qualified.....	3
bills introduced by.....	336
resolutions offered by.....	329
petitions presented by.....	145, 446
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	348, 381, 514, 666
motions by.....	219, 253, 268, 310, 461, 660, 661, 693

HOBBS, J. H., a Delegate from Summers County:

qualified.....	3
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	946
motions by.....	590, 824, 883, 892, 945

HOUVOURAS, NICK, a Delegate from Cabell County:

qualified.....	2
bills introduced by.....	287, 336
resolutions offered by.....	126
petitions presented by.....	46
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	796
leave of absence granted.....	490
motions by.....	78, 140, 223, 258, 299, 300 417, 658, 795, 796, 882, 883

HOWARD, GEO. C., a Delegate from Doddridge County:

qualified.....	2
bills introduced by.....	30, 79, 92, 217, 227, 246
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	108, 251, 983
reports by as chairman committee on medicine and sanitation.....	44, 67, 301, 240, 300, 347, 442, 520
motions by.....	109, 133, 153, 179, 322, 400, 600, 689, 733, 982, 983

JOHN, WM. S., a Delegate from Monongalia County:

qualified.....	2
bills introduced by.....	40, 51, 70, 247, 268
resolutions offered by.....	7, 272
petitions presented by.....	350, 391, 518
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	12, 113, 251, 364, 568, 703
ayes and noes demanded by.....	368, 426
one of special committee.....	8, 41, 349, 987
presided.....	414, 467
points of order raised by.....	410
remarks by.....	644, 645
motions by.....	9, 10, 11, 41, 128, 130, 163, 178, 234, 257, 281, 317 355, 356, 364, 368, 408, 413, 425, 426, 427, 481, 494, 577 588, 589, 594, 611, 615, 653, 654, 685, 701, 702, 703, 872

JONES, P. L., a Delegate from Wood County:

qualified.....	3
bills introduced by.....	24, 95
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	789, 941
leave of absence granted.....	178
motions by.....	788, 789, 940, 941

KERN, ALBERT J., a delegate from Marion County:

qualified.....	2
bills introduced by.....	20, 227, 371, 392, 528, 592
resolutions offered by.....	859
petitions presented by.....	228
appointed on standing committees.....	13, 14
appointed to communicate to senate.....	184, 677, 614, 629, 633
ayes and noes demanded by.....	66
one of special committee.....	8, 41, 988
appointed on conference committee.....	400
motions by.....	162, 502, 555, 589, 613, 616, 626, 627, 628, 673, 860, 882

KUYKENDALL, J- S., a Delegate from Hampshire County:

qualified.....	2
bills introduced by.....	287, 552
resolutions offered by.....	61, 677, 820, 821
petitions presented by.....	72
appointed on standing committees.....	13, 14, 17
appointed to communicate to senate.....	332, 557, 677, 802, 961
ayes and noes demanded by.....	312
one of special committee.....	81, 41, 988
presided.....	354
one of committee to notify senate that house was ready to adjourn.....	87, 107, 129, 130, 193, 233, 263, 288, 314, 330, 366, 432, 433, 601
motions by.....	597, 649, 674, 765, 798, 813, 816, 822, 828, 810, 862, 959, 960, 961

LANTZ, L. E., a Delegate from Wetzel County:

qualified.....	3
bills introduced by.....	49, 162, 268, 528
petitions presented by.....	267, 446
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	732, 759
leave of absence granted.....	298, 336
motions by.....	433, 481, 677, 751, 770, 775, 865, 879

LESTER, KENNA, a Delegate from Calhoun County:

qualified.....	2
bills introduced by.....	125, 246
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	668
motions by.....	622, 884

MAHAN, THOS. J., a Delegate from Brooke County:

qualified.....	2
bills introduced by.....	246, 591
petitions presented by.....	247
appointed on standing committees.....	14, 15, 16, 126
appointed to communicate to senate.....	186, 640, 752, 888
leave of absence granted.....	272
motions by.....	258, 394, 399, 433

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MESERVIE, W. R.:

license to practice law.....	832, 833
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MILLER, JUDSON R., a Delegate from Marion County:

qualified.....	2
bills introduced by.....	23
petitions presented by.....	380
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	108, 185
motions by.....	461, 759

MOLLOHAN, JETTES, a Delegate from Nicholas County:

qualified.....	2
bills introduced by.....	487, 624
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	786, 823, 952
leave of absence granted.....	342
motions by.....	624, 785, 786, 823, 882

MOORE, EVERETT F., a Delegate from Marshall County:

qualified.....	2
bills introduced by.....	83, 84, 122, 176, 188, 227, 328, 446, 655
resolutions offered by.....	26, 46, 162, 183, 356, 391, 592, 856, 981, 991
petitions presented by.....	93
appointed on standing committees.....	13, 14, 15
appointed to communicate to senate.....	212, 215, 297, 543, 560, 783, 887, 916
reports by as chairman committee on judiciary.....	27, 28, 43, 52, 54, 55, 68, 81, 82, 103, 117, 119, 140
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ayes and noes demanded by.....	597
one of special committee.....	4, 8, 575, 988
presided.....	257, 325, 754, 876
one of joint committee to notify governor that legislature was ready to adjourn.....	990
report of.....	991
motions by.....	8, 41, 78, 94, 101, 128, 131
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	589, 598, 599, 650, 651, 658, 689
	728, 814, 901, 949, 985, 986, 990

MORAN, D. D., a Delegate from Wyoming County:

qualified.....	7
bills introduced by.....	124, 235, 267, 528, 552, 675
appointed on standing committees.....	13, 14, 15, 754
appointed to communicate to senate.....	788
motions by.....	91, 525, 552, 675, 678, 697, 710
	752, 753, 754, 786, 787, 810, 827

MORRIS, WALTER M., a Delegate from Harrison County:

qualified.....	2
bills introduced by.....	18, 66, 286
resolutions offered by.....	575
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	291
motions by.....	257, 259, 308

MORTON, U. G.:

license to practice medicine and surgery.....	71, 202, 270, 629, 655
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MOULDS, J. W., a Delegate from Hancock County:

qualified.....	2
petitions presented by.....	230, 267, 285
appointed on standing committees.....	15, 16
motions by.....	884

MUSSER, JAS. Q., a Delegate from Lewis County:

qualified.....	2
bills introduced by.....	125
appointed on standing committees.....	14, 16
appointed to communicate to senate.....	558
leave of absence granted.....	178

MCCAULEY, G. W., a Delegate from Hardy County:

qualified.....	2
nominated for speaker.....	4
appointed on standing committees.....	13, 14, 15
appointed by communicate to senate.....	539
one of special committee.....	4, 7, 81, 575
presided.....	464, 730, 979
motions by.....	111, 234, 315, 393, 612, 810, 879

McCLAREN, W. J., a Delegate from McDowell County:

qualified.....	2
bills introduced by.....	38, 63, 80, 287, 327, 336, 447, 757
appointed on standing committees.....	14, 15
appointed to communicate to senate.....	110, 269, 638, 802, 819, 840, 872
one of special committee.....	81
leave of absence granted.....	178
motions by.....	637, 662, 774, 800, 801

McCLINTIC, GEO. W., a Delegate from Kanawha County:

qualified.....	2
bills introduced by.....	21, 22, 23, 24, 40, 50, 80, 104, 126, 144 160, 176, 177, 189, 235, 288, 487, 552
resolutions offered by.....	6, 12, 17, 24, 26, 62, 83, 102, 103, 175, 177, 249, 273 445, 486, 685, 729, 797, 803, 826, 839, 894, 895, 989
appointed on standing committees.....	13, 14, 15, 16, 17
appointed to communicate to senate.....	12, 106, 113, 177, 192, 475, 497, 498, 522, 545, 551 639, 641, 686, 748, 791, 797, 798, 856, 895, 900, 922
reports by as chairman committee on game and fish.....	237, 323
reports by as chairman committee on Roosevelt memorial meeting.....	743
ayes and noes demanded by.....	128, 163, 812
one of special committee.....	7, 41, 575, 958, 988
presided.....	166, 263, 281, 912, 959
points of order raised by.....	256
oath of office as speaker pro tem.....	300
elected speaker pro tem.....	299
motions by.....	9, 77, 78, 81, 97, 98, 99, 111, 128, 146, 179 186, 257, 259, 326, 354, 356, 416, 422, 447 461, 466, 469, 482, 487, 521, 535, 537, 549 550, 575, 593, 594, 595, 601, 680, 673, 674 675, 678, 679, 680, 681, 683, 698, 735, 741 743, 748, 756, 757, 763, 790, 807, 811, 813 817, 824, 854, 863, 867, 868, 874, 878, 885 888, 889, 895, 897, 899, 905, 906, 908, 915 917, 919, 921, 922, 944, 956, 957, 958, 960

McDERMITT, G. W., a Delegate from Mason County:

qualified.....	2
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	198, 958

McPHERSON, W. I., a Delegate from Wood County:

qualified.....	3
bills introduced by.....	23, 125
resolutions offered by.....	236
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	338, 985
reports by as chairman committee on railroads.....	61, 142, 240
motions by.....	178, 200, 885, 952, 956

McVEY, J. M., a Delegate from Fayette County:

qualified.....	2
resolutions offered by.....	8
petitions presented by.....	350
appointed on standing committees.....	15, 16, 17
appointed to communicate to senate.....	873, 908
one of special committee.....	574, 988
motions by.....	102, 116, 127, 411, 862, 982, 983

NEALE, T. S., a Delegate from Cabell County:

qualified.....	2
bills introduced by.....	37, 123
resolutions offered by.....	867
petitions presented by.....	36, 37
appointed on standing committees.....	14, 15
appointed to communicate to senate.....	8, 165, 263, 949
reports by as chairman committee on counties, districts and municipal corporations.....	66, 67, 142, 157
	170, 175, 223
one of special committee.....	81
leave of absence granted.....	299
motions by.....	66, 150, 253, 262, 948, 949

NEAL, J. A., a Delegate from Webster County:

qualified.....	3
bills introduced by.....	307, 327
appointed on standing committees.....	14, 15
appointed to communicate to senate.....	466, 494, 875, 876
ayes and noes demanded by.....	730
motions by.....	311, 356, 357, 416, 433, 654, 675, 732

NUTTER, T. G., a Delegate from Kanawha County:

qualified.....	2
bills introduced by.....	20, 63, 591
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	196, 664, 785
leave of absence granted.....	88
pointed of order raised by.....	300
motions by.....	554, 591, 679, 693, 771, 783, 784

O'CONNOR, JAS. G., a Delegate from Randolph County:

qualified.....	3
bills introduced by.....	47, 203
petitions presented by.....	307
appointed on standing committees.....	14, 16
appointed to communicate to senate.....	708, 907
ayes and noes demanded by.....	461, 864
ayes and noes demanded by.....	461, 864
leave of absence granted.....	272
one of committee to notify senate that house was ready to adjourn.....	991
motions by.....	130, 398, 447, 860, 864

OTTO, W. T., a Delegate from Ohio County:

qualified.....	3
bills introduced by.....	446
appointed on standing committees.....	13, 14
one of joint committee to notify governor that legislature was ready to adjourn.....	990
report of.....	991

PARSONS, S. L., a Delegate from Mason County:

qualified.....	2
bills introduced by.....	18, 64, 78, 80, 188, 203, 487
resolutions offered by.....	44, 162
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	45, 327, 339, 354, 398, 574, 632, 639, 713, 818, 904
reports by as chairman committee on taxation and finance.....	44, 59, 60, 119, 120, 159, 160, 187, 239 304, 305, 348, 419, 475, 565, 572, 773
one of special committee.....	420, 339, 867, 988
reports by as acting chairman committee on enrolled bills.....	923, 924, 925, 926, 927, 928, 929, 930 931, 932, 933, 934, 935, 936, 937, 938
motions by.....	324, 327, 381, 397, 436, 487, 614, 615, 649 773, 809, 810, 814, 817, 818, 866, 902, 903, 989

PECK, CHAS. G., a Delegate from Wayne County:

qualified.....	3
resolutions offered by.....	306
appointed on standing committees.....	13, 16, 126
appointed to communicate to senate.....	625, 833
one of special committee.....	957

PEDIGO, M. H., a Delegate from Mercer County:

qualified.....	2
bills introduced by.....	216, 228, 351
resolutions offered by.....	8
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	191, 466, 642
leave of absence granted.....	162

PERIN, N. E., a Delegate from Morgan County:

qualified.....	13
bills introduced by.....	216, 528
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	525, 563, 795
one of special committee.....	81, 988
leave of absence granted.....	101, 394
one of committee to notify senate that house was ready to adjourn.....	991
motions by.....	66, 272, 524, 525, 594, 757, 793, 794, 883, 893

PETTIGREW, B. J., a Delegate from Kanawha County:

qualified.....	2
bills introduced by.....	19, 23, 62, 70, 84, 124, 143, 160, 226, 371, 421, 487
resolutions offered by.....	7, 226, 371, 988
petitions presented by.....	349
appointed on standing committees.....	13, 14, 16
appointed to communicate to senate.....	636, 873, 918
one of special committee.....	988
presided.....	660, 693, 785
motions by.....	12, 98, 115, 128, 130, 149, 166, 185, 256, 257, 258 259, 299, 313, 317, 373, 374, 396, 414, 423, 425 435, 590, 595, 611, 675, 689, 811, 814, 884, 989

PRIDEMORE, JOHN S., a Delegate from Lincoln County:

qualified.....	2
bills introduced by.....	39
appointed on standing committees.....	14, 15, 521
leave of absence granted.....	421
motions by.....	342

PUBLIC PRINTER:

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RANKIN, M. L., a Delegate from Jackson County:

qualified.....	2
bills introduced by.....	21, 189
petitions presented by.....	104
appointed on standing committee.....	14, 15, 16
ayes and noes demanded by.....	425, 658
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RICHARDS, H. C., a Delegate from Ohio County:

qualified.....	3
bills introduced by.....	18, 48, 63, 79, 80, 161, 188, 203, 351
appointed on standing committees.....	13, 14, 15
appointed to communicate to senate.....	92, 114, 250, 502, 542, 672, 715, 915
one of special committee.....	41, 540, 987
presided.....	563, 921
points of order raised by.....	812
appointed on conference committee.....	400
motions by.....	126, 200, 258, 326, 356, 713, 714, 715, 729, 757, 860, 862

ROOSEVELT, COLONEL THEODORE:

relating to the death of.....	8
preparation for memorial meeting.....	743

ROUSS, M. O., a Delegate from Jefferson County:

qualified.....	2
bills introduced by.....	246
petitions presented by.....	350
appointed on standing committees.....	14, 15, 16
one of special committee.....	988
leave of absence granted.....	178
motions by.....	342

SARVER, G. T., a Delegate from Roane County:

qualified.....	3
bills introduced by.....	19, 176
resolutions offered by.....	266
appointed on standing committees.....	14
appointed to communicate to senate.....	826, 947
reports by as chairman committee on education.....	44, 68, 82, 121, 216, 224, 244, 281
leave of absence granted.....	299
motions by.....	43, 80, 156, 162, 565, 664, 742, 762, 763 764, 765, 798, 825, 828, 894, 946, 947

SCOTT, E. CLYDE, a Delegate from Raleigh County:

qualified.....	3
bills introduced by.....	64, 528
appointed on standing committees.....	13, 14, 16, 126
appointed to communicate to senate.....	150
leave of absence granted.....	394, 501
motions by.....	670, 885

SECRETARY OF STATE:

appeared at the bar of the house.....	1, 78, 649, 734, 814
authorized to provide codes and acts for members of the committee on the judiciary.....	

SHAW, LEROY, a Delegate from Preston County:

qualified.....	3
petitions presented by.....	202, 248, 285
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	919
one of special committee.....	988
leave of absence granted.....	88
motions by.....	383, 472, 567, 698, 863

SHOMO, A. F., a Delegate from Barbour County:

qualified.....	1
bills introduced by.....	203, 247, 351
petitions presented by.....	28
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	514
motions by.....	513, 542

SHRIVER, JOHN H.:

nominated and elected doorkeeper.....	6
qualified.....	12

SPANGLER, E. L., a Delegate from Monroe County:

qualified.....	2
bills introduced by.....	79, 591
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	195, 572
motions by.....	862, 883

STARCHER, WM. E., a Delegate from Harrison County:

qualified.....	2
bills introduced by.....	48, 49, 153, 271, 286
petitions presented by.....	72, 202, 267, 285, 307, 328
appointed on standing committees.....	13, 14, 16, 710
appointed to communicate to senate.....	197, 213, 892
reports by as chairman committee on insurance.....	230
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STOVER, K. H., a Delegate from Mineral County:

qualified.....	2
bills introduced by.....	39, 49
resolutions offered by.....	45, 989
petitions presented by.....	61, 249, 284
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	168, 181, 290, 631, 980
reports by as chairman committee on labor.....	60, 120, 121, 160, 201, 305, 319, 601
ayes and noes demanded by.....	127
one of special committee.....	980, 988
report by as chairman of special committee.....	180
leave of absence granted.....	342
motions by.....	145, 146, 214, 249, 272, 290 333, 774, 810, 871, 881, 979, 980

STURGIS, GEORGE C.:

charges and proceedings against.....	28, 29, 30, 31, 32, 33, 34, 35, 36, 183, 356, 357, 391, 715 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727 728, 729, 730, 731, 773, 803, 804, 856, 857, 858, 859, 896
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STURM, GEO. W., a Delegate from Harrison County:

qualified.....	2
petitions presented by.....	249
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	666, 707, 792, 880
reports by as chairman committee on insurance.....	59
leave of absence granted.....	162
motions by.....	661, 791, 792

SUMMERS, P. M., a Delegate from Clay County:

qualified.....	2
resolutions offered by.....	71, 352
petitions presented by.....	248
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	271
motions by.....	178, 461, 863, 882

SWISHER, J. J., a Delegate from Wood County:

qualified.....	3
bills introduced by.....	19, 50, 69, 144
resolutions offered by.....	339, 989
appointed on standing committees.....	13, 14, 16, 17
appointed to communicate to senate.....	542, 671, 700, 905, 908
reports by as chairman committee on roads and internal navigation.....	142, 237, 238, 271, 272
	319, 320, 324, 479, 480
ayes and noes demanded by.....	539
one of special committee.....	81, 575, 988
motions by.....	257, 260, 309, 340, 355, 372, 401
	461, 463, 741, 756, 757, 810, 904

TAYLOR, C. W., a Delegate from Putnam County:

qualified.....	3
bills introduced by.....	40, 80, 287, 307, 667
petitions presented by.....	228
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	293, 298, 552
motions by.....	237, 292, 299, 481, 885

THOMAS, RICE, a Delegate from Mingo County:

qualified.....	2
appointed on standing committees.....	15, 16
appointed to communicate to senate.....	877
leave of absence granted.....	162, 759
motions by.....	883, 884

THURMOND, J. S., a Delegate from Greenbrier County:

qualified.....	2
appointed on standing committees.....	13, 15, 16
one of special committee.....	81, 988
points of order raised by.....	235, 374, 624, 658
explains vote.....	495
motions by.....	192, 256, 259, 435, 553, 635, 817

TOPPING, C. L.:

nominated and elected clerk.....	8
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TWYMAN, B. R., a Delegate from Ritchie County:

qualified.....	3
bills introduced by.....	65
resolutions offered by.....	144
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	913
one of special committee.....	81, 575, 967, 988
points of order raised by.....	304
explains vote.....	536
motions by.....	74, 232, 237, 256, 259, 366, 368, 399, 400 425, 428, 448, 495, 534, 526, 589, 597 690, 731, 771, 827, 828, 831, 967, 913

VAUGHN, L. D., a Delegate from Taylor County:

qualified.....	3
bills introduced by.....	48, 286, 421
petitions presented by.....	176, 247, 328, 350
appointed on standing committees.....	14, 15
appointed to communicate to senate.....	561, 681
leave of absence granted.....	117
motions by.....	254, 561, 913

VANMETER, G. H., a Delegate from Grant County:

qualified.....	0
appointed on standing committees.....	14, 15

VIRGINIA DEBT:

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WEIR, JAS. W., Secretary to the Governor:

appeared before the bar of the house.....	8, 41, 78, 203
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WEISS, HARRY A., a Delegate from Ohio County:

qualified.....	3
bills introduced by.....	47, 64, 143, 245
resolutions offered by.....	7, 215, 284, 299, 300
petitions presented by.....	46
appointed on standing committees.....	13, 14, 15, 16, 17
appointed to communicate to senate.....	216, 284, 297, 368, 399, 549, 556, 762
one of special committee.....	81
presided.....	514
one of committee to notify senate that house was ready to adjourn.....	991
motions by.....	24, 43, 51, 78, 95, 132, 168, 174, 187, 200 223, 253, 325, 326, 341, 366, 379, 380, 390 398, 460, 467, 470, 471, 490, 503, 524, 576 622, 623, 659, 689, 743, 760, 771, 882, 950

WILLIAMS, S. A., a Delegate from Ohio County:

qualified.....	3
appointed on standing committees.....	13, 15, 16

WILLIAMS, JOE, a Delegate from Pleasants County:

qualified.....	3
bills introduced by.....	227
appointed on standing committees.....	13, 14, 15, 16
appointed to communicate to senate.....	378, 559
one of special committee.....	81
leave of absence granted.....	101
motions by.....	375, 377, 378, 408, 448, 482, 493, 559, 599

WYSONG, A. F., a Delegate from Mercer County:

qualified.....	2
bills introduced by.....	17, 24, 37, 50, 247, 268, 436
resolutions offered by.....	445, 575
appointed on standing committees.....	14, 15, 16
appointed to communicate to senate.....	89, 116, 183, 464, 491, 544, 871, 959
reports by as chairman committee on private corporations and joint stock companies.....	230, 231, 306
one of special committee.....	4, 575
presided.....	447
motions by.....	74, 123, 185, 299, 340, 393, 398, 401 429, 430, 445, 462, 489, 553, 616, 621 654, 675, 698, 743, 755, 771, 802, 959

WOLFE, J. L. (Speaker), a Delegate from Jackson County:

qualified.....	2
nominated and elected speaker.....	4
resolution in behalf of.....	859
appointed on standing committees.....	17
leave of absence granted.....	399
resumes chair.....	437, 565, 731, 798, 859, 913, 940, 981
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2	By Mr. Wysong: "A Bill amending and re-enacting sections one, two and three of chapter seventeen of Barnes' code of one thousand nine hundred and eighteen, and adding section three-a relating to depository bonds and the collecting, depositing and safeguarding all moneys collected by the State, and prohibiting the treasurer from owning any stock in, or being a stockholder or officer in any depository during his term of office."	17	407			553.
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7	By Mr. Morris: "A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add sections seven, eight, nine and ten thereto."	18	53	290	912	158, 220, 259, 260.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
8	By Mr. Parsons: "A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property', twenty-nine, all of sub-division 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five, and sections thirty, thirty-one, and thirty-one-a of chapter forty-seven of the West Virginia code, one thousand nine hundred and sixteen, and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the West Virginia code, one thousand nine hundred and sixteen, relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts, and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund."	18	120			154, 155, 232, 288, 308 324.
9	By Mr. Swisher: "A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as sections thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen."	19	59	542	808	28, 98, 114, 230, 276 414, 840, 841, 842, 932 933, 951.
10	By Mr. Hersman: "A Bill relating to pure drinking water for live stock in transit."	19	60	115	592	98, 115, 600, 745, 746 804.
11	By Mr. Hamilton: "A Bill to amend, revise and consolidate into one act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, 'An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county, and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five, February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington."	19	66	148		100, 132, 148, 389, 529 530.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
12	By Mr. Sarver: "A Bill to amend and re-enact sections twenty-eight, thirty-three and ninety-three of chapter forty-five of the code of West Virginia, relating to the salaries of teachers, compensation of members of the board of education and the issuance of state life certificates."	19				
13	By Mr. Pettigrew: "A Bill providing for the unauthorized use of vehicles."	19	238			277, 595.
14	By Mr. Cunningham: "A Bill pertaining to the public health."	20	68	149		101, 133, 334, 353.
15	By Mr. Capehart: "A Bill to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution."	20	103	196		139, 152, 180, 430, 529, 530, 567.
16	By Mr. Howard: "A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."	20	44	107		95.
17	By Mr. Kern: "A Bill to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion."	20				
18	By Mr. Kern: "A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."	20				
19	By Mr. Nutter: "A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution."	20	102	195		139, 152, 180, 430, 529 530, 567.
20	By Mr. Nutter: "A Bill to amend and re-enact chapter thirty-one of the code of West Virginia, relating to the sale of real estate."	20				
21	By Mr. Blissard: "A Bill to amend and re-enact section forty-seven of chapter fifteen-h of the code of West Virginia (Barnes Edition) one thousand nine hundred and sixteen relating to the weighing of coal."	20	322	576		322, 402, 411, 441, 486 526.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
22	By Mr. Blissard: "A Bill to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor or his deputies; by providing for a woman inspector to assist with its enforcement; by prescribing penalties for violations thereof; by defining the procedure in prosecutions."	21	201			289, 589, 590.
23	By Mr. Rankin: "A Bill to provide for the payment of the salary of public school teachers and to fix the levy for public school purposes."	21				
24	By Mr. McClintic: "A Bill to amend and re-enact section three of chapter sixty-five of the code of West Virginia, relating to dower, jointure and courtesy."	21				
25	By Mr. McClintic: "A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred forty-two-a of Hogg's code, providing for the establishment and location of a miners hospital in the town of St. Albans, in the county of Kanawha, which shall be known as Miners' Hospital No. 4."	21	59			
26	By Mr. McClintic: "A Bill to amend and re-enact chapter forty-seven of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, in relation to the authentication and record of maps."	21	225	497		275, 412.
27	By Mr. McClintic: "A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine, of the code of West Virginia, Barnes edition one thousand nine hundred and sixteen, relating to discharge of persons indicted for felony upon failure of state to try."	22	53	111		97.
28	By Mr. McClintic: "A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine and sections nineteen, twenty-six, thirty-one, forty-four and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forests and streams."	22				

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
29	By Mr. McClintic: "A Bill to cure defective titles and conveyances under the forfeiture and tax laws because of the want of a seal to the instrument purporting to convey or transfer the title."	23	55			
30	By Mr. McClintic: "A Bill to amend and re-enact section twenty-three of chapter seventy-two, of the acts of one thousand nine hundred and fifteen, being section twenty-three of chapter one hundred thirty-one of Barnes' code of one thousand nine hundred and sixteen."	23	283			888.
31	By Mr. McClintic: "A Bill to amend and re-enact section six of chapter one hundred and thirty-nine of the code of West Virginia, as last amended and re-enacted by chapter forty-seven of the acts of one thousand nine hundred and nine, in relation to judgment liens."	22				309.
32	By Mr. McClintic: "A Bill to amend and re-enact chapter one hundred and thirty-nine of the code of West Virginia, by adding thereto a new section, so as to require, for the protection of purchasers for valuable consideration, a notice to be filed of the pendency of every action in ejectment, suit or proceeding at law or in equity which affects the title to real estate."	22	82			
33	By Mr. McClintic: "A Bill to amend chapter one hundred and thirty of the code of West Virginia relating to Evidence and Witnesses, by adding thereto an additional section to be numbered forty-eight, so as to provide that when the land described in a patent, deed or other document is subject to an exception or reservation of any part or parts thereof, it shall be presumed, when the same is offered in evidence in any action, suit or proceeding at law or in equity involving the trial or determination of title to real estate or any interest therein, that the land or interest therein in controversy is not included in any such excepted or reserved part or parts."	23	226			276, 413, 498.
34	By Mr. McPherson: "A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."	23	158	338	983	87, 220, 313, 314, 828 853, 968, 977, 984, 985.
35	By Mr. Miller: "A Bill authorizing the board of education of Union Independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."	23	44	108		96, 199.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
36	By Mr. Pettigrew: "A Bill to amend sections six, sixteen and forty-four of chapter forty-six-a of the code of West Virginia, relating to the care of dependent, neglected or delinquent children."	23				
37	By Mr. Pettigrew: "A Bill to retain and continue the lien of garage keepers, automobile repairmen or bailees of motor vehicles." Referred to the Committee on the Judiciary.	23	55			
38	By Mr. Anderson: "A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."	23	27	90	100	
39	By Mr. Anderson: "A Bill to amend and re-enact section four of chapter ninety-six, serial section number four thousand one hundred and sixty-three of the code of West Virginia, one thousand nine hundred and thirteen, fixing the rate of interest that may be charged for the loan or forbearance of money or other thing."	24	54			
40	By Mr. Anderson: "A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, and to re-number the sections thereof; and to amend and re-enact sections three, four and ten of chapter fifteen-m of Barnes' code of one thousand nine hundred and sixteen, all relating to education."	24				
41	By Mr. Wysong: "A Bill establishing a building code, regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."	24	244	543		280, 398, 429.
42	By Mr. Jones: "A Bill providing for the jurisdiction of justice of the peace."	24	28			28.
43	By Mr. Wysong: "A Bill to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."	37	60	115		98.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
44	By Mr. Neale: "A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."	37	67	164	254	101, 123, 150, 151, 260.
45	By Mr. McClaren: "A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."	38	44	109		96.
46	By Mr. McClaren: "A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties; section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employes by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."	38	238	637	793	277, 595, 638, 798, 799, 800, 801, 868, 869.
47	By Mr. Coberly: "A Bill to create the twenty-fourth judicial circuit, to provide for the election of a judge therefor, and to fix the time for holding courts therein."	38				
48	By Mr. Bannister: "A Bill to require railroads to provide safe and convenient caboose cars on freight trains, and imposing a penalty for failure so to do."	38	61			
49	By Mr. Bannister: "A Bill to provide sufficient crews for freight trains operating in this state."	38	61			

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
50	By Mr. Stover: "A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-b, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-a, sixty-seven-b, sixty-seven-c, sixty-seven-d and sixty-seven-e, relating to inspection of factories, mercantile establishments, mills or workshops."	39	60	167	607	98, 99, 127, 138, 129, 130, 146, 166, 629, 630, 631, 745, 746, 804.
51	By Mr. Stover: "A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."	39	120			155, 234, 249, 256, 309, 398, 401, 402.
52	By Mr. Fridemore: "A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."	39	82	192	488	134, 152, 179, 520, 736, 737, 804.
53	By Mr. Hendricks: "A Bill to provide for the education and maintenance of indigent children."	39	419			689, 885.
54	By Mr. Fortney (of Preston): "A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes code of edition of one thousand nine hundred and eighteen."	39	82	191	606	134, 152, 178, 634, 635, 745, 746, 804.
55	By Mr. Brand: "A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."	39	43	105	492	95, 523, 642, 643, 688.
56	By Mr. Brand: "A Bill to amend and re-enact sections eight and eleven of chapter one hundred and twenty-seven of the code of West Virginia (Barnes' code, one thousand nine hundred and eighteen) in relation to discontinuances and re-instatement of cases."	39	55			
57	By Mr. Taylor: "A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."	40	69	292	606	95, 141, 218, 273, 292, 736, 737, 804.
58	By Mr. Hersman: "A Bill providing for the protection of sheep and other property; listing, taxing and assessing dogs as personal property."	40	122			155, 237, 256, 259.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
59	By Mr. John: "A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."	40	243	264	537	279, 317, 318, 329, 330, 602, 603, 711.
60	By Mr. McClintic: "A Bill to amend and re-enact section thirteen of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."	40	53	112	489	97, 521, 644, 688.
61	By Mr. McClintic: "A Bill to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian."	40	43	106	488	95, 602, 603, 643, 652.
62	By Mr. O'Connor: "A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."	47	384	907		690, 860.
63	By Mr. Weiss: "A Bill to license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than six per centum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan."	47	230			277, 414.
64	By Mr. Weiss: "A Bill requiring the licensing of engineers and operators of stationary steam boilers and engines of more than fifty horse-power, and creating the office of Chief Examiner of Engineers."	47	121			121.
65	By Mr. Weiss: "A Bill to provide for the protection of the traveling public on street and interurban railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motormen; relating to hauling freight, and spotters employed by the company."	47	240	548		278, 398, 436, 460, 461
66	By Mr. Morris: "A Bill to amend and re-enact section sixteen, chapter one hundred forty-nine, of the code relating to work on the Sabbath."	48	55			

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
67	By Mr. Vaughn: "A Bill to amend and re-enact section one hundred eighteen of chapter forty-five of the code of West Virginia, relating to salaries of county superintendents of free schools."	48				
68	By Mr. Vaughn: "A Bill to punish the keeping of gambling places and the operation of gambling."	48	55			
69	By Mr. Byrnes: "A Bill making it unlawful for convicts whose sentences have expired or who may have been pardoned or paroled from the penitentiary of this state to be or remain within Marshall county after being discharged therefrom."	48	55			
70	By Mr. Richards: "A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."	48	53	113		97, 199.
71	By Mr. Richards: "A Bill to amend and re-enact sections one, three, thirteen and fourteen and to repeal section twenty-four of the act of the legislature of West Virginia, passed February twenty-first, one thousand nine hundred and thirteen, entitled an act creating the office of state Hotel Inspector, and providing for the inspection of hotels and restaurants."	48	54			
72	By Mr. Starcher: "A Bill to amend and re-enact sections one, three, thirteen and fourteen and to repeal section twenty-four of an act of the legislature of West Virginia, passed February twenty-first, one thousand nine hundred and thirteen, entitled, 'An act creating the office of state Hotel Inspector, and providing for the inspection of hotels and restaurants.'"	48	54			386.
73	By Mr. Starcher: "A Bill to amend chapter one hundred and thirty of the code of West Virginia by adding thereto section 23-a, relating to the examination as witnesses of parties to actions, suits and proceedings."	49	55			
74	By Mr. Starcher: "A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature for the year one thousand nine hundred and seventeen."	49				
75	By Mr. Starcher: "A Bill to amend and re-enact section four of chapter twenty-seven, of the acts of one thousand nine hundred and nine."	49	117	212		153, 199, 212, 336, 533, 534.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	and Senate	OTHER PROCEEDINGS
76	By Mr. Hackney: "A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one, relating to weights and measures."	49	117	213	209	153, 190, 852, 853, 924, 925.
77	By Mr. Lantz: "A Bill to amend chapter forty three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty six of the acts of the West Virginia legislature one thousand nine hundred and seventeen, by adding thereto section twenty eight-a relative to the distribution of class 'a' road funds where bonds for the construction of class 'a' roads have been issued by a district or districts of any county."	49	271	731		441, 676, 677.
78	By Mr. Stover: "A Bill to amend section four hundred eighty-three (as amended by section thirty two of Barnes' code of nineteen hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law.'"	49	121	289	463	155, 233, 234, 249, 253, 254, 453, 606, 606, 652
79	By Mr. Godfrey: "A Bill to amend sections six and seven of chapter eighty-seven of the acts of the legislature of one thousand nine hundred and fifteen, relating to the election and appointments of assessors and assistant assessors."	50				
80	By Mr. McClintic: "A Bill to prevent the spread of rabies or hydrophobia among the people of the state of West Virginia for the preservation of public safety, and for the protection of the people from injury, disease and death, from vicious and rabid dogs and for the protection of domestic animals throughout the state."	50	158			159.
81	By Mr. Swisher: "A Bill to amend and re-enact section thirteen of chapter sixty-six, of the acts of the legislature of one thousand nine hundred and seventeen; serial section one thousand nine hundred and forty supplement of Hogg's code of one thousand nine hundred and eighteen, relative to state road commission."	50	142			218.
82	By Mr. Wysons: "A Bill to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and a graded school building at Montgomery."	50	59	88		165.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
83.	By Mr. John: "A Bill to amend chapter twenty-five of the code of West Virginia, relating to rules and pleadings by adding thereto a section preventing the dismissal of meritorious actions at law, suits in equity or other proceedings because of mischoice of the form of action or the forum."	51	53	113		97.
84	By Mr. Pettigrew: "A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."	62	224			275, 412, 495.
85	By Mr. McClaren: "A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor."	63	119	288	807	154, 222, 249, 252, 839, 840, 932, 933, 951.
86	By Mr. Ferguson: "A Bill adding section one-a to chapter forty-two of Barnes' code of West Virginia."	63	68			
87	By Mr. Ferguson: "A Bill to amend and re-enact section eighty-seven of chapter fifty-five of Barnes' code of West Virginia."	63	68			
88	By Mr. Richards: "A Bill providing for the regulation of the practice of the business of undertaking within the state of West Virginia, and providing penalties for violations thereof."	63				
89	By Mr. Richards: "A Bill continuing the West Virginia State Board of Embalmers, providing for the appointment of its members, describing the duties of the said board and its members providing systematic examinations, registrations, regulations, and licenses, for all persons who practice the art of embalming within the state of West Virginia, and providing penalties for violations thereof."	63				
90	By Mr. Nutter: "A Bill to establish a home for indigent colored people, to provide for the admittance of residents thereto and the management and control thereof; providing for payment to the state by county courts of counties having persons in said home and the method thereof and repealing acts and parts of acts inconsistent therewith."	63	103			

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
91	By Mr. Weiss: "A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."	64	170	297		221, 269, 371, 390, 533, 534.
92	By Mr. Parsons: "A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."	64				
93	By Mr. Parsons: "A Bill to regulate the sale of commercial feeding stuffs."	64	158	338	649	220, 316, 317, 711, 712, 776, 777.
94	By Mr. Blizard: "A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."	64	66	147	254	100, 131, 200 , 262, 264.
95	By Mr. Scott: "A Bill to amend and re-enact section eight of chapter thirty-nine of Barnes' code of one thousand nine hundred and eighteen, relating to the compensation of county commissioners."	64	68			
96	By Mr. Scott: "A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to lay a special levy to provide funds for paying same with interest."	64	68	150		101, 133, 431, 603, 604, 652.
97	By Mr. Twyman: "A Bill to amend and re-enact sections thirty, thirty-one, and thirty-two of chapter forty-one of the code of West Virginia of nineteen hundred and six."	65	68			
98	By Mr. Godfrey: "A Bill to add sections one hundred and eighty-four and one hundred and eighty-five to chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, regulating the daily transportation of articles of freight over class 'a' and class 'b' roads, or main county roads, improved county roads, roads, streets and alleys in incorporated cities, towns and villages."	69	239			239.
99	By Mr. Swisher (by request): "A Bill to amend and re-enact section two hundred and nineteen of chapter fifty of Hogg's code of nineteen hundred and thirteen, relative to the jurisdiction of the justice of peace."	69	119			119.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
100	By Mr. Blackhurst: "A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."	70	81	194	488	134, 152, 179, 605, 606, 662.
101	By Mr. Ferguson: "A Bill to amend and re-enact section eighty-seven of chapter sixty-six of the acts of the legislature of nineteen hundred and seventeen, relating to the letting of contracts."	70	239			293.
102	By Mr. Pettigrew: "A Bill to amend and re-enact chapter fifteen-j, series ^{series} code, nineteen hundred and eighteen, and establish in lieu of the West Virginia Humane Society a State Board of Children's Guardians and to fine its duties."	70	265			
103	By Mr. Brand: "A Bill to amend and re enact section eight of chapter one hundred and fourteen b (serial section four thousand six hundred and thirty one) of the West Virginia code of nineteen hundred and thirteen and to repeal sections nineteen, eleven, twelve, thirteen and fourteen (serial sections four thousand six hundred and thirty two, four thousand six hundred and thirty three, four thousand six hundred and thirty four, four thousand six hundred and thirty five, four thousand six hundred and thirty six and four thousand six hundred and thirty seven) of said chapter."	70				
104	By Mr. John: "A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display the flags antagonistic to the form or spirit of their constitution and laws."	70	118	251	492	154, 231, 524, 567, 737, 738, 804.
105	By Mr. John: "A Bill to require useful and productive occupation and prevent idleness and vagrancy by able bodied male residents of West Virginia."	70				
105a	"A Budget Bill making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budget Amendment.'"	78	773			819.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
106	By Mr. McClintic: "A Bill to amend and re enact sections one, three, four, ten, thirty four, thirty five, thirty seven, thirty nine, sixty four, ninety seven, one hundred five, one hundred seven, one hundred nine, one hundred twenty, one hundred twenty one, one hundred thirty, and adding sections forty, and repealing sections two, nine, twelve, thirteen, four teen, fifteen, sixteen, nineteen, thirty six, forty four, fifty eight and one hundred four, of chapter thirty two of Barnes' code, one thousand nine hundred and eighteen, relating to regulations respecting licenses and license taxes."	80	159	395		221, 333, 354, 357.
107	By Mr. Taylor: "A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipelines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the said state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pump ing plants and gas compressor stations."	80	187	551		222, 408, 481.
108	By Mr. Parsons: "A Bill to amend and re enact sections one, two a, two b, six, nine and sixteen, of chapter thirty three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."	80	118			119, 160.
109	By Mr. McClaren (by request): "A Bill vesting a discretionary power and authority in the several county courts of the state to make an equitable settlement and adjust ment with contractors for work upon roads and bridges in certain class of cases."	80				
110	By Mr. Howard: "A Bill to amend and re enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."	79	118	250	607	154, 231, 738, 804.
111	By Mr. Spangler: "A Bill to authorize the Board of Education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."	79	82	195	538	135, 152, 179, 571, 572, 739, 740, 804.
112	By Mr. Richards: "A Bill to amend and re-enact section thirty-four of chapter one hundred and forty-five, of the code of West Virginia."	80	244			244.
113	By Mr. Richards: "A Bill to amend and re-enact section twenty-seven-b of chapter one hundred and forty-five of the code of West Virginia."	80	118	250	901	154, 231, 902, 903, 904.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
114	By Mr. Moore (by request): "A Bill to amend and re-enact section eight-a of chapter one hundred and fifty of Barnes' code of West Virginia of one thousand nine hundred and sixteen, relating to physicians and surgeons, and examination and qualification of same, and setting forth who are deemed practitioners."	83	117	214		153, 200, 704.
115	By Mr. Moore: "A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."	84	118	542	890	153, 200, 204, 208, 235, 277, 425, 429, 900, 901, 916, 965, 973.
116	By Mr. Hall (of Wetzel): "A Bill relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof."	84	120	253		154, 232, 409, 532, 533, 567.
117	By Mr. Hall: "A Bill to make gas pipe lines public service corporations and common carriers within this state."	84	160	339		221, 318, 364, 368.
118	By Mr. Godfrey: "A Bill to standardise checks and drafts of banks, trust companies, banking institutions, corporations, firms and persons."	84	231			231.
119	By Mr. Pettigrew (by request): "A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred and forty-two-a of Hogg's code, providing for the establishment and location of a state hospital in the town of St. Albans, in the county of Kanawha, which shall be known as St. Albans Hospital No. 4."	84	167			158.
120	By Mr. Brand: "A Bill granting to persons or corporations owning mineral lands the right to condemn a right of way over adjacent or intervening lands to connect such mineral lands with a railroad or navigable stream, and declaring such right of way to be for a public use."	84	118			119.
121	By Mr. Brand: "A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."	85	142	294	371	218, 268.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
122	By Mr. Brand: "A Bill to prohibit the teaching of the German language and German literature in the schools of this state and to provide a penalty therefor."	85	121			122.
123	By Mr. Calhoun: "A Bill to amend chapter forty-three, Barnes' code, one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-a, authorizing county courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county."	85	319	546	911	319, 402, 438, 907, 971.
124	By Mr. Coon: "A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."	85	140			119, 218.
125	By Mr. Godfrey: "A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."	92	157	337	521	185, 220, 310, 314, 341, 568, 569, 570, 571, 739, 740.
126	By Mr. McClintic: "A Bill to provide for the recording of affidavits as to the birth, marriage, death, name, residence, identity or relationship of parties to instruments effecting real estate and the use of the same in evidence."	92	225	497		276, 413.
127	By Mr. Fortney (of Preston): "A Bill to levy a privilege tax on the transportation of natural gas by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax and defining the duties of said tax commissioner hereunder."	92	187			222, 409, 588.
128	By Mr. Howard (by request): "A Bill to amend and re enact sub section two of section one; sub section five of section one; section two; section six; all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen; and to add to said chapter section eight-a and section six-a, all relating to the public health."	92	103			
129	By Mr. Cuppett: "A Bill to amend chapter forty-two of the code of West Virginia, relating to the condemnation of private property for public use, by adding section twenty-seven thereto."	93				
130	By Mr. Jones: "A Bill to amend and re-enact sections one hundred and twenty-nine, one hundred and thirty-two and one hundred and thirty-three of the regular session of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen in regard to the registration fee on motor vehicles."	95	122			155, 156, 272.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
131	By Mr. Coleman: "A Bill to provide for the suppression of mob violence, and for the remuneration and proper distribution to dependents of or legal representatives of victims of lynchings, and punishment for participation in same."	95	441			676, 874.
132	By Mr. McClintic: "A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."	104	237	544	890	277, 416, 432, 897, 898, 899, 900, 967, 977.
133	By Mr. Ferguson: "A Bill to amend and re-enact clause F, of section eight-b (14) of chapter five, of the one thousand nine hundred and sixteen code of West Virginia, relating to the appointment of deputies by candidates."	105	566			567.
134	By Mr. Ferguson: "A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."	105	323	708		411, 501, 674.
135	By Mr. Anderson: "A Bill to amend and re-enact sections twenty-two and twenty-three of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, now sections twenty-two and twenty-three of chapter one hundred and thirty-one of Barnes' edition of the code of one thousand nine hundred and eighteen."	122				
136	By Mr. Moore: "A Bill amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled, 'An act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof,' and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled, 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.'"	123	157	296		220, 260, 340.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
137	By Mr. Byrnes: "A Bill to amend and re-enact chapter two of the acts of one thousand nine hundred and five, and chapter one of the acts of one thousand nine hundred and seven of the legislature of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."	123	142	203		218, 273, 340.
138	By Mr. Neale (of Cabell): "A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-a, thirty-one-b, thirty-seven and thirty-eight as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, thirty-seven and thirty-eight, inclusive, as parts of chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.'"	123	175			221, 222, 399, 407, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588.
139	By Mr. Moran: "A Bill to amend and re-enact section one of chapter seventy-eight of the code of West Virginia." Referred to the Committee on the Judiciary.	124				
140	By Mr. Moran: "A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia."	124				
141	By Mr. Pettigrew: "A Bill to amend and re-enact section thirty-seven-a, chapter one hundred and sixty-three, Barnes' code of West Virginia, relating to the penitentiary."	124				
142	By Mr. Pettigrew: "A Bill to amend and re-enact section one hundred sixty-three, chapter fifty of the Barnes' West Virginia code, relating to justices of the peace."	124	226			226.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
143	By Mr. Cuppett: "A Bill to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the allies during the world war or in any charitable, humane or relief organizations connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings, as memorials to those of them who have died in such service or in any such organization."	124	224	494		275, 412, 963, 971.
144	By Mr. Cunningham (by request): "A Bill to amend and re-enact section six, of chapter ninety-eight-a, of the code of West Virginia." Referred to the Committee on the Judiciary.	124	141			141.
145	By Mr. Cunningham: "A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."	124	140	291	690	218, 273, 698, 699, 842, 843.
146	By Mr. Hackney: "A Bill to amend and re enact section six, serial section number four thousand four hundred and ten of chapter one hundred and three of Hogg's West Virginia code of one thousand nine hundred and thirteen, relating to the maximum amount that may be recovered in an action for wrongful death."	125	225	635		276, 413, 594.
147	By Mr. Hackney: "A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."	125	224	395	693	275, 372, 694, 695, 696, 775, 776.
148	By Mr. Musser (by request): "A Bill to amend and re enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpiles leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re enacted by chapter thirty five of the acts of one thousand nine hundred and seventeen."	125	319	557	679	471, 514, 777, 778.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
149	By Mr. McPherson (by request): "A Bill to amend and re enact chapter sixteen, acts of one thousand nine hundred and fifteen, providing for the establishment of standard weights and measures and for the inspection and sealing of devices used for weighing and measuring commodities."	125	226			226, 710.
150	By Mr. Lester: "A Bill to amend and re enact section one hundred and eighteen of chapter forty five of the code of West Virginia, relating to salaries of county superintendents of free schools."					.
151	By Mr. Grove: "A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."	143	187	463	480	222, 400, 484, 605, 606 652.
152	By Mr. Weiss: "A Bill to amend and re enact section two of chapter twenty one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Tuesday of May in the year one thousand nine hundred and fifteen."	143	418	556	713	468, 503, 512, 759, 760, 761, 762, 848, 849.
153	By Mr. Starcher: "A Bill to regulate the practice of architecture in the state of West Virginia."	143	160			221, 399, 462, 488.
154	By Mr. Pettigrew (by request): "A Bill to regulate the practice of law by attorneys in the state of West Virginia."	143				
155	By Mr. Hackney: "A Bill authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public money; requiring the treasurers of county, district and other funds and collectors of state, county and district funds to deposit the same therein, and making general provisions in respect thereto."	143				
156	By Mr. Hale: "A Bill to create the department of mines; to re-district the state for the purpose of mine inspection and to amend and re enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy eight of the acts of one thousand nine hundred and seven."	143		333	656	219, 309, 333, 745, 746 804.
157	By Mr. Byrnes: "A Bill to amend and re enact section eighteen and section one hundred and twenty nine of chapter twenty nine of the code of West Virginia, as last amended and re enacted by chapter eighty of the acts of one thousand nine hundred and seven, abolishing boards of review and equalization and providing that the county courts of the several counties shall perform the functions of said boards."	143	357			

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
158	By Mr. Bray (by request): "A Bill to amend and re enact section one of chapter twenty nine of the acts of the legislature of one thousand nine hundred and seventeen and to add thereto section two, for the purpose of authorizing county courts to change the method of improving public roads and to make proper location of same, with proceeds of bonds voted pursuant to chapter eight of the acts of the legislature of one thousand nine hundred and fifteen, second extraordinary session after having received authority therefor from the voters of the county of district affected, in an election held for that purpose."	144	320			406.
159	By Mr. Fortney (of Preston): "A Bill to repeal and re enact chapter sixty five of Barnes' code of the edition of one thousand nine hundred and sixteen, relating to dower and courtesy."	144				
160	By Mr. McClintic: "A Bill amending and re enacting section three of chapter one hundred and fifty nine of the code of West Virginia relating to selecting and empaneling juries in criminal cases."	144	321			322
161	By Mr. Fortney (of Preston) (by request): "A Bill to amend and re enact section four of chapter eighty five of the code of West Virginia, serial section three thousand nine hundred and ninety one of Hogg's code of one thousand nine hundred and thirteen, relating to the granting of administration upon estates of intestates."	144	244			244.
162	By Mr. Swisher (by request): "A Bill to allow absent electors to vote."	144				
163	By Mr. McClintic: "A Bill to provide for the registration of all births and deaths."	160				
164	By Mr. Pettigrew: "A Bill to amend and re enact section three of chapter sixty six of the code of West Virginia, concerning the separate property, rights, powers and privileges of married women; suits by and against them."	160				
165	By Mr. Pettigrew: "A Bill to amend and re enact section six of chapter seventy three of the code of West Virginia, concerning the authentication and recordation of deeds and other writings."	160				
166	By Mr. Cox: "A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."	161	187	298		222, 269, 298, 420, 530, 531, 567.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
167	By Mr. Cox: "A Bill prohibiting the wearing by any person not entitled thereto of an emblem of any secret order or organization and prescribing the penalties of such violations."	161	243	660		279, 601.
168	By Mr. Fortney (of Preston (by request): "A Bill to amend and re enact section seven of chapter one hundred and forty eight of the code of West Virginia, relative to offenses against the peace."	161	244			244.
169	By Mr. Richards (by request): "A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education."	161	216	501	808	274, 412, 494, 868, 869 923.
170	By Mr. Richards: "A Bill to amend and re enact section thirty six of chapter one hundred and forty five of Barnes' code of one thousand nine hundred and eighteen (chapter forty three of the acts of the legislature of one thousand nine hundred and fifteen, regular session), relating to false, deceptive and misleading advertising."	161	384			
171	By Mr. Hackney: "A Bill to amend and re enact sections seventy, eighty one a (one), eighty one a (two), eighty one a (seven) and eighty one a (twelve) of chapter fifty four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy nine a (seven), seventy nine a (eight), seventy nine a (nine), seventy nine a (ten), seventy nine a (eleven) and seventy nine a (twelve); all relating to banking."	161	306	669	987	466, 611, 633, 634, 969, 978.
172	By Mr. Anderson: "A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."	162	202	662	920	274, 383, 563, 616, 617 618, 619, 620, 621, 666 969, 978.
173	By Mr. Lantz: "A Bill to amend chapter forty three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty six of the acts of the West Virginia legislature one thousand nine hundred and seventeen, by adding thereto section fifty six a requiring patrolmen to account for road materials, tools and implements belonging to their districts."	162	271	775		672, 704.
174	By Mr. Moore: "A Bill to amend and re enact sections one, two a, two b, six, nine and sixteen, of chapter thirty three of the code of West Virginia relating to taxes on inheritances, devises, distributive shares and legacies."	176	287			222, 409, 588.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
175	By Mr. Cox: "A Bill authorizing the appointment of a commission to supervise the erection of a monument and markers to designate the location occupied by the Fourth West Virginia Infantry Regiment during the campaign and siege of Vicksburg, within the Vicksburg National Military Park, and making an appropriation for the monument and markers and for the expenses of the commission."	176				
176	By Mr. Sarver: "A Bill to amend and re-enact sections one, twenty-one and twenty-nine of chapter five of the acts of the third extraordinary session, one thousand nine hundred and sixteen, laws of West Virginia, concerning primary elections."	176				
177	By Mr. McClintic: "A Bill to amend and re enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty five, thirty six, fifty one, seventy five, eighty eight and ninety three of chapter one of the acts of the legislature one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety four, ninety five, ninety six, ninety seven and ninety eight, all relating to and becoming a part of the charter of the city of Charleston."	176	301	468	655	373, 422, 425, 435, 460, 474, 682.
178	By Mr. McClintic: "A Bill to amend and repeal sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty one of chapter fifteen j, of Barnes' code, one thousand nine hundred and eighteen, and re enact the same as sections fourteen a, fourteen b, fourteen c, fourteen d, fourteen e, fourteen f, and fourteen g, of chapter one hundred and forty nine Barnes' code, one thousand nine hundred and eighteen, all relating to cruelty to animals."	177	417			
179	By Mr. Richards (by request): "A Bill to amend chapter one hundred and twenty of the code by adding thereto section nine relating to prosecuting attorneys."	188	282			
180	By Mr. Moore: "A Bill to amend and re enact section eleven of chapter one hundred and fourteen of the code of West Virginia." Referred to the Committee on the Judiciary.	188	225			276, 413, 501.
181	By Mr. Moore: "A Bill to amend chapter fifty four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety five, creating the independent school district of Mounds ville, by adding thereto section twenty five relating to compulsory attendance."	188	282	559	713	471, 515, 850, 851.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
182	By Mr. Brammer: "A Bill to amend and re enact section twenty eight of chapter forty five of Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the salaries of teachers."	188	419			
183	By Mr. Parsons (by request): "A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."	188	239			278, 526
184	By Mr. Grove: "A Bill to amend and re enact sections three and seventeen and eighteen of the live stock sanitation law, chapter thirteen, acts of one thousand nine hundred and fifteen."	188	241			278, 599.
185	By Mr. Brand: "A Bill to amend and re enact section nineteen of chapter sixty two of the West Virginia code of nineteen hundred and thirteen as amended and re enacted by chapter four teen of the acts of the legislature of nineteen hundred and fifteen, relating to the preservation of certain useful animals, fish and birds, forests and streams."	189				
186	By Mr. Godfrey: "A Bill relating to bank transactions after twelve o'clock noon on Saturdays."	189				
187	By Mr. McClintic: "A Bill authorizing any bank or trust company incorporated under the laws of this state to become a member of a federal reserve bank; vesting in such bank or trust company all powers conferred upon member banks by the federal reserve act, subject to the restrictions and limitations imposed by or under that act; providing as to reserve requirements and examinations."	189				
188	By Mr. McClintic: "A Bill concerning notaries public who are stock holders, directors, officers, or employees of banks or other corporations."	189	243	639		279, 601.
189	By Mr. Rankin: "An amendment to chapter fourteen p, page two hundred and forty three, section thirty eight, Barnes' code of one thousand nine hundred and eighteen, to be known as section thirty eight a, appropriating one hundred thousand dollars for the support of the unemployed."	189	240			240.
190	By Mr. Bray: "A Bill fixing the liability of a bank to its depositors for payment of forged or raised checks."	190				

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
191	By Mr. Brand (by request): "A Bill to amend and re enact section nine of chapter one hundred and twelve of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing for the residence and disqualification of a judge of the circuit, intermediate or criminal courts."	202				
192	By Mr. Coberly (by request): "A Bill to amend and re enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty one and twenty four of chapter thirty one of the code, as amended by chapter sixty seven of the acts of the legislature of one thousand nine hundred and seventeen, relating to the sale of real estate for delinquent taxes, and to the redemption thereof from such sales and deeds to purchasers thereof."	203	321		538	321.
193	By Mr. Richards (by request): "A Bill to amend chapter fifty four, code of West Virginia, by adding an additional section thereto to be known as sixty five a."	203	283			676, 715.
194	By Mr. Richards: (by request): "A Bill to amend and re enact section forty one of chapter fifty three of the code."	203	321			
195	By Mr. O'Connor: "A Bill requiring the personal service of notice upon persons who are residents of this state, whose lands are sent out by the auditor for sale under the provisions of chapter thirty one of the code, before said lands are sold."	203				
196	By Mr. Shomo: "A Bill to fix the salary of the prosecuting attorney of Barbour county."	203	282	512	867	378 470, 513 925, 926.
197	By Mr. Parsons: "A Bill to amend and re enact chapter thirty nine of the acts of one thousand eight hundred and eighty seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."	203	224	397	656	275, 381, 382, 747.
198	By Mr. Perin: "A Bill fixing the annual allowance to the clerks of the circuit and county courts of Morgan county."	216	357	562	610	378, 517, 739, 740, 804.
199	By Mr. Pedigo: "A Bill to amend and re enact sub section twenty-nine b of section twenty nine, chapter one hundred and fifty of the code of West Virginia, one thousand nine hundred and thirteen, relating to the sale of drugs and medicines."	216	240			278, 597.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
300	By Mr. Anderson: "A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty four of the code of West Virginia, and to provide for the management and control of such corporations."	216	225	496	686	275, 412, 777, 778, 854
301	By Mr. Brand: "A Bill to amend chapter seventy three of the code of West Virginia, by adding thereto sections thirteen and fourteen, providing for the recordation of instruments in the county where the property is situated and making necessary that deeds and other writings show source of title and making penalty for violation thereof."	217				
302	By Mr. Howard: "A Bill to amend and re enact all of chapter sixty two b of Barnes' code of one thousand nine hundred and sixteen, and also as amended and re enacted by chapter forty four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of commercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof."	217	241			279, 599.
303	By Mr. Pettigrew: "A Bill creating the office of county treasury and prescribing the power, duties and compensation thereof."	226	304			
304	By Mr. Moore: "A Bill to amend and re enact section three of chapter fifty four of Barnes' code of West Virginia for one thousand nine hundred and eighteen, prohibiting the incorporation of religious denominations, land selling companies for profits and detective agencies or associations and providing that such detective agencies or associations now incorporated shall be co partnerships."	227	282			
305	By Mr. Moore: "A Bill to amend and re-enact section eleven of chapter seven of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing for the appointment of deputy circuit and county clerks, deputy sheriffs, and prohibiting the appointment of certain persons as deputy sheriffs."	227	282			
306	By Mr. Moore: "A Bill to amend and re-enact section twenty of chapter one hundred and fifty-two of Barnes' Code of West Virginia for one thousand nine hundred and eighteen, providing that certain evidence shall not be used against a person charged with crime."	227	283			755.
307	By Mr. Grove: "A Bill providing for a lien on personal property for repairs thereon."	227	384			385.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
208	By Mr. Howard: "A Bill to amend sections twelve, nineteen and twenty of chapter one hundred and thirty-seven, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the fees of justices of the peace."	227	283			
209	By Mr. Williams (of Pleasants): "A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire lands by condemnation or otherwise, not to exceed ten acres for district high school purposes, and authorizing a special levy to pay for same."	227	245			280, 376, 378.
210	By Mr. Kern: "A Bill to authorise the county court of Marion county to establish and maintain a county law library."	227	283			
211	By Mr. Pedigo (by request): "A Bill establishing a department of explosives, providing for the appointment of a chief inspector and deputy inspectors to inspect sand mines, sand pits, clay mines, clay pits, quarries and cement works, and making an appropriation to carry out the provisions of this act."	228				
212	By Mr. Moran: "A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred and forty-two-a of Hogg's code, providing for the establishment and location of a miners hospital in the town of Mullens, Wyoming county, which shall be known as Mullens hospital number four."	235	386			525, 675, 710, 711.
213	By Mr. McClintic: "A Bill to enforce publicity of nominations for office made by the governor of West Virginia, or any other officer of West Virginia authorised to make nominations and sent to the senate of West Virginia for consideration as to confirmation or rejection."	235	519			
214	Originating in the Committee on the Judiciary: "A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relating to deadly weapons and state license to carry weapons."	243		640		279, 601.
215	Originating in the Committee on the Judiciary: "A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the compensation of grand and petit jurors."	243		886		279, 689.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
216	By Mr. Weiss (by request): "A Bill to amend and re-enact sections five, six, seven, eight, nine, twelve, thirteen, fourteen, eighteen and nineteen of chapter twenty-one of the acts of the legislature of one thousand nine hundred and fifteen, regular session, entitled, 'an act to amend, revise and consolidate into one act, an act of the legislature of West Virginia passed February eleventh, one thousand nine hundred and seven; an act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six, entitled an act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts both of the general assembly of Virginia and the legislature of West Virginia, which form a part of the charter of the city of Wheeling; chapter eleven of the acts of the said legislature of West Virginia, one thousand nine hundred and nine; chapter two of the acts of the said legislature of one thousand nine hundred and eight, extra session; chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen, and all other acts of the said legislature, passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which have been part of the charter of the city of Wheeling, and being that part of chapter twenty one of the acts of one thousand nine hundred and fifteen, regular session, known as the Greater Wheeling charter, ratified and adopted by a majority of the votes cast at the general election by the voters of said city at an election held on the fourth Thursday in May, one thousand nine hundred and fifteen, as provided for by chapter twenty one of the acts of one thousand nine hundred and fifteen, regular session, and to enact and add thereto sections six a, section six b and section thirteen a."	245				
217	By Mr. Mahan (by request): "A Bill to amend and re enact section twelve of chapter one hundred forty nine of the code, relating to sodomy."	246	265			
218	By Mr. Howard: "A Bill to amend and re enact section twenty three of chapter forty one of the code of West Virginia of one thousand nine hundred and thirteen."	246	283			284.
219	By Mr. Rouse (by request): "A Bill to amend and re enact sections nine and ten of chapter sixty three of the code of West Virginia, relating to marriages, being serial sections numbered three thousand six hundred and nine and three thousand six hundred and ten of Hoxz's code of West Virginia, edition of one thousand nine hundred and thirteen, as amended by chapter nineteen of the acts of legislature of one thousand nine hundred and seven teen."	246	281			284.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
220	By Mr. Lester (by request): "A Bill discontinuing the county high school of Calhoun county, West Virginia, and providing for the sale of the property thereof and the distribution of moneys obtained by levy therefor."	246	281			322.
221	By Mr. Lester: "A Bill to amend and re enact section twenty six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."	246	480	663	874	564, 622, 623, 667, 925, 926, 952.
222	By Mr. Shomo (by request): "Employment of labor;—false advertisements."	247	319			
223	By Mr. Wysong: "A Bill to authorize the payment of the expenses of the members of county courts."	247	284			284, 698, 757.
224	By Mr. John: "A Bill to amend and re enact sections fourteen, fifteen, sixteen and eighteen of chapter one hundred and thirty three of the code of West Virginia, relating to general receivers of circuit courts."	247				
225	By Mr. Moran: "A Bill relating to the destruction or injury necessarily done to real property by means of explosives or otherwise, where the same is done to avert the spread of fire, to provide compensation to the owner of such building under the policy of insurance thereon, if any, to provide an additional stipulation for all fire insurance policies written in this state after the first day of March, one thousand nine hundred and nineteen, for the purpose of procuring to the owners of such real estate, so necessarily destroyed or injured, such compensation."	267	383			
226	By Mr. Wysong: "A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."	268	282	871	968	673, 704, 709, 827, 828, 959, 970, 972.
227	By Mr. John: "A supplementary bill making appropriations of public moneys out of the treasury for the erection of a state soldiers' memorial hall, provided an equal sum shall be donated or raised by the citizens of the state."	268				
228	By Mr. Lantz: "A Bill fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia."	268				679.
229	By Mr. Starcher: "A Bill relating to mothers' pensions."	271	306	709		412, 674.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
230	By Mr. Anderson: "A Bill to amend and re-enact section thirty-nine of chapter ninety-two of the acts of the legislature of West Virginia, for one thousand eight hundred and eighty-two, Barnes' code, edition of one thousand nine hundred and sixteen, chapter forty-seven, section thirty-nine relating to cities, towns and villages."	271	566			567.
231	Originating in the Committee on Education: "A Bill to amend and re-enact sections twenty-eight, fifty-nine, eighty-seven, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three and one hundred thirty-four, and to repeal sections one hundred fifty-five-a (1), one hundred fifty-five-a (2), one hundred fifty-five-a (3), one hundred fifty-five-a (4), one hundred fifty-five-a (5), one hundred fifty-five-a (6), one hundred fifty-five-a (7), one hundred fifty-five-a (8), one hundred fifty-five-a (9), one hundred fifty-five-a (10), one hundred fifty-five-a (11), one hundred fifty-five-a (12), one hundred fifty-five-a (13) and one hundred fifty-five-a (14) of chapter forty-five of the West Virginia code of one thousand nine hundred and sixteen, relating to education, and to add to said chapter forty-five, sections one hundred thirty-five, one hundred thirty-six-a and one hundred thirty-six-b, and to repeal sections nineteen, twenty, twenty-one and twenty-two of chapter fifteen-m of the West Virginia code of one thousand nine hundred and sixteen, relating to the state board of regents."	285	304			
232	By Mr. Grove: "A Bill providing for the retirement of circuit court judges upon certain contingencies with pay."	286	321			321.
233	By Mr. Vaughn: "A Bill to authorize the state board of control to purchase, for the West Virginia Industrial School for Boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business."	286				733.
234	By Mr. Morris: "A Bill to amend and re-enact section one hundred and eighteen, of chapter sixty-six of the acts of the legislature, one thousand nine hundred and seventeen, concerning public roads."	286	479			480.
235	By Mr. Cuppett (by request): "A Bill to amend and re-enact section one of chapter one hundred and nineteen of the code of West Virginia relating to attorneys at law."	286	383			676, 874.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
236	By Mr. Byrnes: "A Bill relating to manner of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-a, thereto, preventing such persons so released from becoming residents of Marshall county, West Virginia, for a period of five years."	286	302			564, 622, 662, 663, 749
237	By Mr. Starcher: "A Bill to amend and re-enact section fifty-seven of chapter twenty-nine, Barnes' code, one thousand nine hundred and eighteen, concerning exemption from taxation of certain properties."	286				
238	By Mr. McClaren: "A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or District of Columbia or any foreign country authorized under the laws of this state to hold property or to transact business in this state from prosecuting suits or actions, either now pending or hereafter instituted against like corporations in any court of any other state or territory of the United States or District of Columbia or any foreign country when the cause of such suit or action arose in the State of West Virginia, or when such suit or action involves the title to, or possession or right of possession of real estate situate in the State of West Virginia; providing penalties for the violation of this act, and providing for injunction to inhibit the prosecution of such suits."	287	417	774	947	672, 700, 701.
239	By Mr. Taylor: "A Bill to amend and re-enact sections one hundred and thirty-two and one hundred and thirty-three, chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen known as the good road law."	287	479			480.
240	By Mr. Houvouras: "A Bill to create in the department of state tax commissioner a division to be known as the 'division of industrial induction'"	287	348			349.
241	By Mr. Kuykendall: "A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."	287	566	802		597, 674, 690, 731, 773 798.
242	By Mr. Kuykendall: "A Bill regulating the laying of levies by boards of education for school purposes."	287				
243	By Mr. Kuykendall: "A Bill fixing the salaries to be paid to teachers in public schools in the state of West Virginia."	287				

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
244	By Mr. McClintic: "A Bill to amend and re-enact section thirty-two of chapter one hundred and forty-five of Barnes' code of one thousand nine hundred and sixteen."					
245	By Mr. Neal (of Webster): "A Bill to amend and re-enact section fourteen-a (1) of chapter thirty of the code of West Virginia, as amended by chapter thirty-four of the acts of one thousand nine hundred and thirteen relative to the extension of time given sheriffs for collecting taxes."	307	321			
246	By Mr. Hale (by request): "A Bill to amend and re-enact sections thirteen and fourteen of chapter one hundred and forty-four of Barnes' code, one thousand nine hundred and sixteen, of West Virginia relating to offenses against the person."	307	443			443.
247	By Mr. Taylor: "Bill to re-enact chapter twelve of the acts of the legislature of West Virginia, second extraordinary session of one thousand nine hundred and seventeen."	307				
248	By Mr. Hersman: "A Bill to amend and re-enact section thirty-nine of chapter twenty-nine of the code, relating to the assessment of taxes upon oil and gas interests, and the method of collecting the same."	327	419			462, 673, 706.
249	By Mr. McClaren: "A Bill fixing the annual allowance to the clerk in the county court of McDowell county."	327	441	819	912	755, 785, 974, 976.
250	By Mr. Hilleary: "A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."	327				375, 470.
251	By Mr. Neal (of Webster): "A Bill to amend and re-enact chapter one hundred forty-four, section fifteen, of the West Virginia code of one thousand nine hundred and eighteen."	328	418			418.
252	By Mr. Moore: "A Bill creating the twenty-fourth judicial circuit, fixing the time for holding terms of circuit court thereof, providing for the election of a judge thereof, and providing that Marshall county shall constitute and remain the twenty-fourth judicial circuit."	328				
253	By Mr. Hilleary: "A Bill to re-arrange and establish the several judicial circuits in this state, and to fix the time of holding the circuit courts in the several counties therein."	336				

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
236	By Mr. Byrnes: "A Bill relating to manner of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-a, thereto, preventing such persons so released from becoming residents of Marshall county, West Virginia, for a period of five years."	286	302			564, 622, 662, 663, 746
237	By Mr. Starcher: "A Bill to amend and re-enact section fifty-seven of chapter twenty-nine, Barnes' code, one thousand nine hundred and eighteen, concerning exemption from taxation of certain properties."	286				
238	By Mr. McClaren: "A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or District of Columbia or any foreign country authorized under the laws of this state to hold property or to transact business in this state from prosecuting suits or actions, either now pending or hereafter instituted against like corporations in any court of any other state or territory of the United States or District of Columbia or any foreign country when the cause of such suit or action arose in the State of West Virginia, or when such suit or action involves the title to, or possession or right of possession of real estate situate in the State of West Virginia; providing penalties for the violation of this act, and providing for injunction to inhibit the prosecution of such suits."	287	417	774	947	672, 700, 701.
239	By Mr. Taylor: "A Bill to amend and re-enact sections one hundred and thirty-two and one hundred and thirty-three, chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen known as the good road law."	287	479			480.
240	By Mr. Houvouras: "A Bill to create in the department of state tax commissioner a division to be known as the 'division of industrial induction'."	287	348			349.
241	By Mr. Kuykendall: "A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."	287	566	802		597, 674, 690, 731, 773 798.
242	By Mr. Kuykendall: "A Bill regulating the laying of levies by boards of education for school purposes."	287				
243	By Mr. Kuykendall: "A Bill fixing the salaries to be paid to teachers in public schools in the state of West Virginia."	287				

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
244	By Mr. McClintie: "A Bill to amend and re-enact section thirty-two of chapter one hundred and forty-five of Barnes' code of one thousand nine hundred and sixteen."					
245	By Mr. Neal (of Webster): "A Bill to amend and re-enact section fourteen-a (1) of chapter thirty of the code of West Virginia, as amended by chapter thirty-four of the acts of one thousand nine hundred and thirteen relative to the extension of time given sheriffs for collecting taxes."	307	321			
246	By Mr. Hale (by request): "A Bill to amend and re-enact sections thirteen and fourteen of chapter one hundred and forty-four of Barnes' code, one thousand nine hundred and sixteen, of West Virginia relating to offenses against the person."	307	443			443.
247	By Mr. Taylor: "Bill to re-enact chapter twelve of the acts of the legislature of West Virginia, second extraordinary session of one thousand nine hundred and seventeen."	307				
248	By Mr. Hersman: "A Bill to amend and re-enact section thirty-nine of chapter twenty-nine of the code, relating to the assessment of taxes upon oil and gas interests, and the method of collecting the same."	327	419			462, 673, 706.
249	By Mr. McClaren: "A Bill fixing the annual allowance to the clerk in the county court of McDowell county."	327	441	819	912	755, 785, 974, 976.
250	By Mr. Hilleary: "A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."	327				375, 470.
251	By Mr. Neal (of Webster): "A Bill to amend and re-enact chapter one hundred forty-four, section fifteen, of the West Virginia code of one thousand nine hundred and eighteen."	328	418			418.
252	By Mr. Moore: "A Bill creating the twenty-fourth judicial circuit, fixing the time for holding terms of circuit court thereof, providing for the election of a judge thereof, and providing that Marshall county shall constitute and remain the twenty-fourth judicial circuit."	328				
253	By Mr. Hilleary: "A Bill to re-arrange and establish the several judicial circuits in this state, and to fix the time of holding the circuit courts in the several counties therein."	336				

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
254	By Mr. McClaren (by request): "A Bill to amend and re-enact section one, chapter sixty-five, serial section three thousand six hundred and forty-nine, Hogg's code one thousand nine hundred and thirteen."	336	659			
255	By Mr. Hickman: "A Bill relative to payment of deposit in two names."	336				
256	By Mr. Hourvouras: "A Bill declaring certain combinations and associations unlawful and fixing the punishment for the violation of the same."	336	744			
257	By Mr. Hall: "A Bill fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia."	351		517	911	378, 438, 517, 522, 669, 976.
258	By Mr. Richards (by request): "A Bill to amend and re-enact sections fifty-a, twenty-eight-b-one, fifty-b twenty eight b two, fifty h twenty eight b eight, fifty one twenty eight b twelve, fifty yy twenty eight b twenty nine of chapter three of Hogg's code of West Virginia, relating to primaries and convention nominations, and providing for the ascertainment and publication of the results thereof."	351	472	671		576, 653, 654, 655, 743.
259	By Mr. Pedigo (by request): "A Bill to amend and re enact section two hundred and nineteen of chapter fifty of the code of West Virginia."	351				
260	By Mr. Shomo: "A Bill to provide for the proper care and beautifying of abandoned rural cemeteries."	351				356.
261	By Mr. Nutter: "A Bill allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon."	364		664	880	383, 564, 623, 974, 976
262	By Mr. Pettigrew: "A Bill to amend and re enact section three, chapter one hundred and sixteen, Barnes' code, one thousand nine hundred and eighteen, relating to juries."	371				

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
263	By Mr. Kern: "A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, cash, stocks, bonds and other personal estate and property, interest, dividend and income from cash stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."	371	472	615	839	516, 562, 632, 633, 911 931, 932, 951.
264	By Mr. Coberly: "A Bill creating the twenty fourth judicial circuit and changing and modifying the sixteenth and nineteenth judicial circuits."	392				
265	By Mr. Coon: "A Bill to amend and re enact section six of chapter thirty one of the code of West Virginia of one thousand nine hundred and thirteen relating to the sale of land for taxes."	392	650			

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
266	<p>By Mr. Kern:</p> <p>A Bill to amend and re enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty one, twenty two, twenty three, twenty six, twenty seven, twenty eight, twenty nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve (a), one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen, entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen.'</p>	392	434			467, 502, 554, 612.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
267	Originating in the Committee on the Judiciary: "A Bill to amend and re-enact sections one, twenty-one and twenty-nine of chapter five, of the acts of the third extraordinary session of one thousand nine hundred and sixteen, relating to primary elections."		406			
268	By Mr. Vaughn: "A Bill to amend chapter one hundred and fifty of Hogg's code of one thousand nine hundred and thirteen by adding thereto section five thousand three hundred and seventy-two."	421	519			676, 874, 913.
269	By Mr. Pettigrew (by request): "A Bill to provide hospital treatment for the pauper poor in the various counties of the state, and to discontinue as state institutions, Welch hospital number one, McKendree hospital number two and Fairmont hospital number three; to sell and dispose of the property of the state in said institutions; to provide for the treatment of the pauper poor of each county in hospitals generally over the state; to grant exemption from taxation to such hospitals; and to fix the qualifications for such hospitals."	421				
270	By Mr. Hale (by request): "A Bill to amend and re-enact section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia in regulation of the license tax required of hawzers and peddlers."	422	475			475.
271	By Mr. Godfrey: "A Bill to amend and re-enact section two of chapter sixty-three of the acts of the legislature of one thousand nine hundred and seventeen relating to dependent and delinquent children."	422				
272	By Mr. Moore: "A Bill to amend and re-enact sections three, four-a, thirty, forty-one, forty-seven and forty-eight of chapter eighteen of the acts of legislature of one thousand nine hundred and fifteen relating to the charter of the city of Cameron, Marshall county, West Virginia."	446		782	867	446, 624, 927.
273	By Mr. Otto: "A Bill to amend and re-enact chapter fifty-four-c of Barnes' code of one thousand nine hundred and sixteen by adding thereto sections twelve-a and twelve-b, relating to trust, guaranty and surety companies."	446	566			
274	By Mr. Godfrey: "A Bill fixing the annual allowance to the clerk of the circuit court of Mercer county."	446				446, 563, 616.
275	By Mr. McClaren: "A Bill for the construction and repair of roads and bridges on the line between or connecting incorporated cities, towns and villages, within the same county."	447	479	872		673, 704.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
276	By Mr. Bray: "A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty fourth day of February, one thousand nine hundred and nine."	448		613	859	448, 471, 515, 558, 932 933.
277	By Mr. Williams (of Pleasants): "A Bill relating to interest on high school bonds of Washington district, Pleasants county, West Virginia."	448		558	277	448, 471, 515, 870.
278	By Mr. Cunningham (by request): "A Bill to amend and re enact section nine of chapter one hundred and fifty, Barnes' code, one thousand nine hundred and eighteen, relating to the practice of medicine in this state so as to authorize the public health council to issue certificates to competent registered nurses to administer anaesthetics under the direction and control of regularly licensed physicians or surgeons."	486	520			
279	By Mr. Anderson: "A Bill to authorize the county court of the county of McDowell to establish and maintain a county law library."	487	519	781	985	565, 752, 782, 967, 968
280	By Mr. Parsons: "A Bill to amend and re enact section three of chapter nineteen on municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason."	487		614	837	487, 515, 561, 625, 631 932, 933.
281	By Mr. Mollohan: "A Bill amending and re-enactinge hapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty four of chapter one hundred and twelve a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."	487	519	822	948	690, 796, 823, 965, 973
282	By Mr. Fortney (of Preston): "A Bill to authorize the creation of a special or emergency fund for the aid of injured laborers in West Virginia."	487	601			
283	By Mr. McClintic: "A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."	487		748		487, 516, 562, 615, 660 964, 972.
284	By Mr. Pettigrew: "A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, relating to authentication and record of deeds and other writings."	487	744			

Bill Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
285	By Mr. Blinnard: "An emergency appropriation bill to provide a fund for the purchase of free textbooks and to provide for the distribution of such fund among the districts and independent school districts of the state."	527				
286	By Mr. Scott (by request): "A Bill prohibiting legacies, requests and devises for certain purposes and declaring such legacies, requests and devises null and void."	528				
287	By Mr. Scott (by request): "A Bill to provide for the regular inspection by the sheriffs and grand juries of the respective counties of every place, grounds and building maintained or used as a hospital, reformatory home, sanitarium, house of detention, asylum, school, convent, orphanage, house of good shepherd, monastery, home or any similar institutions under any other name by private individuals, corporations, sole or aggregate associations, churches, or bodies, within the state of West Virginia, and of all inmates and persons confined therein: prescribing the manner of such inspection and the duties of all persons in connection therewith, with penalties for any interference with such inspection, or failure to perform the duties imposed under this act."	528				
288	By Mr. Perin: "A Bill to amend and re-enact section six, of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen."	528	566	794	874	793, 795, 925, 926, 952
289	By Mr. Moran (by request): "A Bill to authorize and empower the state board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."	528				697.
290	By Mr. Kern (by request): "A Bill authorizing tenants in common and co-partners of land to pay their proportionate share of the taxes assessed against the land and providing that the sale thereof for unpaid taxes shall not impair or divert the title of those who have paid their respective shares of such taxes."	528				

Bill Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
291	<p>By Mr. Lantz: "A Bill to authorize the board of education of Grant district, Wetzel county, to borrow or otherwise secure sufficient funds to finish constructions of public school buildings in the district of Grant, Wetzel county, and to empower them to lay a special levy to provide funds for paying same with interest."</p> <p>"WHEREAS, The board of education of Grant district, Wetzel county, has heretofore begun the building and construction of public school buildings in the district of Grant, and,</p> <p>"WHEREAS, The funds provided for said purpose have been exhausted, and</p> <p>"WHEREAS, It is necessary to at once complete the construction of said buildings to prevent severe damage to same, therefore."</p>	528		750		564, 623, 758, 759.
292	<p>By Mr. Kuykendall: "A Bill amending and re-enacting section one twenty-nine of chapter forty-three of the nineteen eighteen supplement of Hogg's code, being section one thirty-nine of chapter sixty-six of the acts of the regular session of the legislature of nineteen seventeen, providing for the fixing of license taxes on motor vehicles by the state road commission."</p>	552				
293	<p>By Mr. McClintic: "A Bill relating to motion picture films, reels or stereopticon views or slides; providing a system of examination, approval and regulation thereof, and of the banners, posters and other like advertising matter used in connection therewith; creating the board of censors; and providing penalties for the violation of this act."</p>	552				
294	<p>By Mr. Moran (by request): "A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and fifty-two of chapter fourteen of the acts of the legislature, one thousand nine hundred and fifteen, incorporating the city of Williamson."</p>	552				565, 624, 754.
295	<p>By Mr. Ferguson: "A Bill to amend and re-enact section twenty-five-b of chapter sixty-two of Barnes' code of the state of West Virginia so as to penalize and provide for the punishment of those having in their possession and using a ferret for the purpose of catching rabbits or driving them from their burrows."</p> <p>Reference to a committee dispensed with and ordered to its first reading.</p>	591				
296	<p>By Mr. Nutter: "A Bill fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia."</p> <p>Reference to a committee dispensed with and ordered to its first reading on Special Calendar.</p>	591		784	911	754, 783, 785, 966, 975

Bill Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
297	By Mr. Spangler: "A Bill to amend and re-enact chapter seventeen of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter eleven of the acts of one thousand nine hundred and thirteen, concerning hydro-electric or other companies producing or selling hydraulic or other power; authorizing such companies to exercise the right of eminent domain, defining and regulations of such companies, regulating the building, operation and maintenance of dams across water streams, and all structures, works and property connected or used in connection therewith; providing for the utilization of wasted electrical energy, the conservation of resources and the use of the same for the development of the industries of the state for the national defense."	591	744			
298	By Mr. Mahan (by request): "A Bill to amend and re-enact section nine of chapter one hundred and fifty-five of the code of West Virginia."	591	744			
299	By Mr. Kern (by request): "A Bill to authorize and empower the public health council of the state of West Virginia to issue certificates of license for the practice of medicine and surgery without requiring an examination to be passed therefor, in the case of persons who served in the world war and who are otherwise qualified, under the laws of this state for the practice of medicine and surgery."	592				
300	By Mr. Mollohan: "A Bill to create the Municipal Corporation of the city of Richwood, in the county of Nicholas, to grant a charter thereto and to annul the charter of the town of Richwood."	624			952	754, 819.

Bill Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
301	<p>By Mr. Moore:</p> <p>"A Bill to comply with decrees of the supreme court of the United States in the suit of the commonwealth of Virginia vs. the state of West Virginia, pending in that court, providing for the issuance of bonds and the appropriation of money for the payment of what is commonly known as the Virginia debt.</p> <p>"WHEREAS, after protracted litigation, the supreme court of the United States, by its decree entered in the above named suit on the fourteenth day of June, one thousand nine hundred and fifteen, adjudged, ordered and decreed that:</p> <p>"The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of \$12,393,929.50, with interest thereon from July first, one thousand nine hundred and fifteen, until paid, at the rate of five per centum per annum, and that each party pay one half of the costs."</p> <p>Which debt, interest and costs under the terms of said decree as of January first, one thousand nine hundred and nineteen, are as follows:</p> <p>1915—July 1, principal..... \$12,393,929.50</p> <p>Interest thereon from July 1, 1915, to January 1, 1919, at five per cent..... 2,168,937.66</p> <p>Total, principal and interest, as of said January 1, 1919..... \$14,562,867.16</p> <p>to which is to be added one half of the costs of said suit, estimated to be approximately \$.....; and</p> <p>WHEREAS, the state of West Virginia desires to comply with the decree of said court and to satisfy the same as soon as practicable; and</p> <p>WHEREAS, this legislature has been informed by the Honorable Randolph Harrison, attor ney for the Virginia debt commission, that bonds of this state, dated January first, one thousand nine hundred and nineteen, bearing three and one half per centum interest, payable semi annually on the first days of July and January in each year, hereinafter described, to the face amount of \$13,000,000, together with the cash payment of the sum of \$1,062,867.16, said sum bearing interest at the rate of five per centum from January first, one thousand nine hundred and nineteen, until the date of payment thereof, to which sum shall be added one half of said costs, estimated as above set forth, to be approximately \$..... will be ac cepted at par in satisfaction of the judg ment and decree of the supreme court of the United States first above referred to, with the privilege of West Virginia retain ing in the state treasury bonds sufficient in amount to cover the so called West Vir ginia debt certificates which has not been deposited with the Virginia debt commission to be held pending the delivery of any or all of said undeposited certificates.</p>	650				

Bill Number	TITLE OF SENATE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
302	By Mr. Moran: "A Bill to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act."	675		787	867	755, 786, 788, 927.
303	By Mr. Twyman: "A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provision by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain or assist in building, constructing and maintaining the same, and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years."	697				888.
304	By Mr. McClaren (by request): "A Bill for the commitment to a state hospital for the insane, persons so far addicted to the use of opium or cocaine or any derivation of either, that his will to resist the desire of such drugs is substantially destroyed."	757				889, 890.

Number	TITLE OF HOUSE JOINT RESOLUTIONS	Introduced	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
2	By Mr. Summers: "Authorising the State Board of Health to issue to U. G. Morton, of Lisemores, Clay county, West Virginia, a license to practice medicine and surgery"	71	270		202, 629, 655.
3	By Mr. Hackney: "Authorising and directing the supreme court of appeals of West Virginia to grant to Lee A. Dingess of Halcyon, West Virginia, a license to practice law in the courts of said state."	177			473.
4	By Mr. Hamilton: "Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases and recommending Berkeley Springs, in this state, as the pre eminent location for such sanitarium."	247			304, 525.
5	As communicated by the Governor: "Relating to the appointment of a joint committee by the House of Delegates and Senate of the state of West Virginia in reference to the feasibility, proposed method and cost of taking over any or all of the bridges connecting the state of Maryland and the state of West Virginia by either or both of said states."	229	331	370	302, 988.
6	By Mr. Peck: "Authorising and directing the supreme court of appeals of West Virginia to grant to Boyd Adkins, of Wayne, West Virginia, a license to practice law in the courts of this state."	306	625	832	516, 833.
7	By Mr. Hilleary: "Authorising and directing the public health council to issue to Dr. W. R. Bond, of Selbyville, Upshur county, West Virginia, a certificate to practice medicine and surgery in the state of West Virginia and giving him authority to practice thereunder."	329	348		347, 629, 656.
9	By Mr. Ferguson: "Authorising the state board of health to issue to Frank H. Fry, of Stiltner, Wayne county, West Virginia, a license to practice medicine and surgery."	351	437		
10	By Mr. Cosner: "Authorising and directing the supreme court of appeals of West Virginia, to grant to M. W. Hefner, of Burnsville, West Virginia, a license to practice law in the courts of said state."	352	687	808	473.
11	By Mr. Summers: "Authorising the state board of health to issue to E. D. Hamrick of Clay county, West Virginia, a license to practice medicine and surgery."	352			
12	By Mr. Ferguson: "Authorising the state board of optometry of the state of West Virginia, to issue to Allen Frasher, of Fort Gay, Wayne county, West Virginia, a license to practice optometry."	574	625		575.
13	By Mr. Moore: "Requesting the President of the United States, the Congress of the United States and the United States railroad administration to take action to prevent the upward revision in freight rates upon the materials entering into the construction of public works."	592			

Number	TITLE OF HOUSE JOINT RESOLUTIONS	Introduced	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
14	By Mr. McClintic: "Authorizing and directing the supreme court of appeals of West Virginia, to grant to E. Vernon Fortney, of Kingwood, Preston county, West Virginia, a license to practice law in the courts of said state."	685	685		
15	By Mr. McCauley: "Relating to House of Representatives bill 13651, designated to aid soldiers, sailors and marines in acquiring homes and farms."	821	838	909	837, 910.

Number	HOUSE CONCURRENT RESOLUTIONS	OTHER PROCEEDINGS		
		Introduced	Adopted by House	Adopted by Senate
1	By Mr. Pedigo: "Relating to the death of Colonel Theodore Roosevelt, twenty sixth president of the United States."	8	8	
2	By Mr. McClintic: "Providing for the purchase of codces of West Virginia by the secretary of state."	12	12	71
3	By Mr. Parsons: "Authorizing the auditor to issue warrants for the mileage and per diem of members, officers and attaches of the legislature."	44	44	65
4	By Mr. McClintic: "Relating to dockets of the circuit courts."	104	104	131
5	By Mr. Houvouras: "Relating to the establishment of a league of nations."	126		145, 163.
6	By Mr. McClintic: "Relating to the Virginia Debt."	177	177	198
7	By Mr. Weiss: "Authorizing the janitor of the capitol to employ, under the statute, additional help during the present session of the legislature."	215	216	315
8	By Mr. Weiss: "Providing for a joint session of the two houses to hear an address of Honorable Randolph Harrison on the question of the Virginia debt."	284	284	299
9	By Mr. McClintic: "Relating to the judgment of Virginia vs. West Virginia."	486		535, 595, 657, 658, 6 68
10	By Mr. Kuykendall: "Asking ex United States Senator William E. Chilton to address a joint assembly of the House and Senate on the question of the Northwest Territory."	677	677	
11	By Mr. McClintic: "Relating to the Kenyon Bill."	797	797	881
12	By Mr. McClintic: "Asking the War Department for an allotment of such captured German ordnance as may be deemed desirable and appropriate."	797	798	
13	By Mr. McClintic: "Providing for the printing and distribution of advanced copies of the acts of the legislature of one thousand nine hundred and nineteen."	826	827	908
14	By Mr. Kuykendall: "Authorizing the Speaker of the House and President of the Senate to appoint a committee of five members with authority to make further investigation regarding the advisability of further pursuing the matter of undertaking the recovery against the United States government."	820		
15	By Mr. McClintic: "Relating to the question of state police."	894	895	911 968.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
1	By Mr. Harmer: "A Bill to amend and re enact sections four and five of chapter seventy four of the code of West Virginia."	217	659		274.
2	By Mr. Harmer: "A Bill to amend and re enact section two of chapter seventy six of the code of West Virginia, as amended and re enacted by chapter forty nine of the acts of one thousand nine hundred and seventeen, regular session, relating to forms of releases and acknowledgments."	217	659		274.
3	By Mr. Harmer: "A Bill to amend and re enact section six of chapter seventy two of the code of West Virginia, relating to sale under trust deeds."	85	744		135, 745.
4	By Mr. Harmer: "A Bill to amend and re enact section three of chapter one hundred and thirty two of the code of West Virginia, relating to compensation of commissioners."	85	141	197	135, 180.
5	By Mr. Harmer: "A Bill to amend chapter one hundred and thirty of the code of West Virginia by adding thereto section twenty three a, relating to the examination as witnesses of parties to actions, suits and proceedings."				
6	By Mr. Harmer: "A Bill to amend and re enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re enacted by section three of chapter ninety nine of the acts of the legislature of the year one thousand nine hundred and seventeen."	85	384	707	135, 673, 674, 779, 846, 847.
7	By Mr. Sanders: "A Bill to amend and re enact section thirty six of chapter ninety of the code of West Virginia."	99	241	490	138, 156, 410, 540, 642.
8	"A Bill to require judgments and decrees of the circuit and districts courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia."	86	241	484	136, 410, 602, 603.
9	By Mr. Sanders: "A Bill to amend and re enact section twenty five of chapter one hundred and thirty one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty five of chapter seventy two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence."	99	332	641	138, 332, 588, 610, 611, 692, 776.
10	By Mr. Sanders: "A Bill to amend and re enact section five of chapter one hundred and thirty three of the code of West Virginia of one thousand nine hundred and thirteen, relating to bills of review and the limitations thereof."	86	242		136, 242.
11	By Mr. Sanders: "A Bill to amend and re enact section four of chapter one hundred and fourteen b of the code of West Virginia, one thousand nine hundred and thirteen."	146	241	491	219, 410, 540, 642, 643.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
12	By Mr. Sanders: "A Bill to repeal sections twenty nine, thirty and thirty-one of chapter thirty nine, sections twenty one, twenty two, twenty three, twenty four, twenty-five, twenty six, that part of twenty eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty nine, all of sub division 'd' and 'e' in thirty, forty, forty one and forty nine of chapter forty five, and sections thirty, thirty one and thirty one a of chapter forty seven of the 'West Virginia code, one thousand nine hundred and sixteen,' and sections twenty two and thirty-one of chapter sixty six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re enact chapter twenty eight a of the 'West Virginia code, one thousand nine hundred and sixteen,' relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax levying body, and for the creation and distribution of the general school fund."	318		326	324, 325, 326, 334, 354, 539, 540, 572, 573, 574, 736.
13	By Mr. Sanders: "A Bill to amend and re enact sections three, seventeen and eighteen of chapter one hundred and thirty five of the code of West Virginia, one thousand nine hundred and thirteen, prescribing the limitations for writs of error and appeals."	86	242		136, 242.
14	By Mr. Sanders: "A Bill to amend and re enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by section one of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, of chapter twenty seven of the acts of the legislature of West Virginia, of one thousand nine hundred and seven as amended by section four, of chapter five, of the extra session of the acts of the legislature of West Virginia, of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia."	86		181	136, 152.
15	By Mr. Sanders: "A Bill to amend and re enact sections six and seven of chapter eighty seven of the acts of the legislature of West Virginia, one thousand nine hundred and fifteen, relating to assessors and assistant assessors."				
16	"A Bill to amend and re enact sections four and six of chapter seventy three of the code of West Virginia, one thousand nine hundred and thirteen."	86	241	465	136, 410, 602, 603.
17	By Mr. Sanders: "A Bill to fix the salary of the judges of the supreme court of appeals."	86	141	211	137, 180, 192.
18	By Mr. Sanders: "A Bill to amend and re enact chapter nine of the acts of the legislature of West Virginia, session one thousand nine hundred and fifteen, granting a charter to the city of Bluefield."	100		190	138, 152, 190, 198.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
19	By Mr. Lewis: "A Bill amending and re enacting sections one, two and three of chapter seventeen, of Barnes' code of one thousand nine hundred and eighteen, and adding section three a relating to depository bonds and the collecting, depositing, and safeguarding all moneys collected by the state, and prohibiting the treasurer from owning any stock in, or being a stockholder or officer in any depository during his term of office.				
20	By Mr. Lewis: "A Bill amending and re enacting section twelve of chapter ten of Barnes' code of one thousand nine hundred and eighteen, relating to the bonds of state officers.				
21	By Mr. Coalter: "A Bill to provide a pension for partial or full support of aged or infirm women, who have no children or others legally bound to support them, and who are unable financially and physically to support themselves, and who at the time of the application for pension are bona fide residents of the county and have been for two years."	609			
22	By Mr. Coalter: "A Bill pertaining to the public health."				
23	By Mr. Coburn: "A Bill to amend and re enact serial section four thousand three hundred and sixty one of chapter one hundred and forty nine of the code of West Virginia of one thousand nine hundred and six, concerning houses of ill fame, and declaring such as common and public nuisances, and providing for the abatement thereof."	145	473		219.
24	By Mr. Coburn: "A Bill to amend and re enact section two of chapter sixty four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to care and preservation of state and county archives."	317		918	690, 887, 919, 966, 976.
25	By Mr. Hough: "A Bill to amend and re enact sections four and seven of chapter fifty seven of the acts of West Virginia of the year eighteen hundred and ninety five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia."	99		185	138, 152.
26	By Mr. Hough: "A Bill to amend chapter one hundred and twenty of the code, by adding thereto section nine, relating to the duties of prosecuting attorneys."				
27	By Mr. Hough: "A Bill amending and re enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five a."	217	302	887	274, 690, 966, 975.
28	By Mr. Hough: "A Bill to amend and re enact section four of chapter one hundred and fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hogg's code of one thousand nine hundred and thirteen."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
29	By Mr. Hough: "A Bill to repeal chapter thirty seven of the acts of the legislature of one thousand nine hundred and seventeen, entitled 'An act to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote.'"				
30	By Mr. Poling: "A Bill relating to the salaries of county officers." Referred to the Committee on the Judiciary."	609		957	674, 689, 881, 908, 915, 952, 953, 954, 955, 956, 958, 970, 971.
31	By Mr. Poling: "A Bill relating to the manner of casting a ballot at any primary, general or municipal election, and making returns of the same to the prosecuting attorney, and a report to the next grand jury of the county."				
32	By Mr. Poling: "A Bill to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code, relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterwards bring a second cause of action against them."	88	141	197	137, 180.
33	By Mr. Poling: "A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the 'Independent School District of Point Pleasant,' and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."				
34	By Mr. Bloch: "A Bill to amend chapter one hundred and twenty of the code, by adding thereto section nine, relating to the duties of prosecuting attorneys."				
35	By Mr. Morton: "A Bill to amend and re enact section twenty eight of chapter one hundred and thirty three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers."	97	241	466	137, 410, 605, 606.
36	By Mr. Morton: "A Bill dispensing with the necessity of any natural person affixing a seal to any deed, trust deed, mortgage, lease or other writing conveying, selling, or agreeing to sell, leasing, renting, or encumbering real estate, and making valid such instruments of writing heretofore executed by any natural person, lacking such seal, and making the same evidence; and providing that an action of covenant may be maintained thereon for the breach of any covenant or warranty therein."	97	266		138, 411, 492, 553.
37	By Mr. Duty (by request): "A Bill to amend chapter seventeen of the acts of the legislature of West Virginia of the year one thousand nine hundred and one, being section four thousand three hundred and seventy six of chapter ninety nine of the code of West Virginia of one thousand nine hundred and thirteen, authorizing the action of assumpsit to be brought in certain cases and enlarging its scope."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
35	By Mr. Duty (by request): "A Bill to amend and re enact section six of chapter seventy three of the code of West Virginia."				
39	By Mr. Duty (by request): "A Bill to amend section eight of chapter one hundred and three of the code of West Virginia of one thousand nine hundred and thirteen, relating to the actions of trespass and trespass on the case."				
40	By Mr. Duty (by request): "A Bill to cure defective titles and conveyances under the forfeiture and tax laws because of the want of a seal to the instrument purporting to convey or transfer the title."				
41	By Mr. Duty (by request): "A Bill to amend and re enact sections two and three of chapter one hundred and fifty seven of the code of West Virginia in relation to grand juries."				
42	By Mr. Stewart: "A Bill to amend, revise and consolidate into one act the act of the legislature of West Virginia, passed February sixteenth, nineteen hundred and one, entitled, 'An act to amend and re enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county,' and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five; February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the City of Mannington."				
43	By Mr. Stewart: "A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."	87		183	137, 152.
44	By Mr. Stewart: "A Bill to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion."	87		184	137, 152.
45	By Mr. Stewart: "A Bill to amend and re enact chapter forty five of Barnes' code of one thousand nine hundred and sixteen, and to renumber the sections thereof; and to amend and re enact sections three, four and ten of chapter fifteen m of Barnes' code of one thousand nine hundred and sixteen, all relating to education."	635		825	670, 741, 742, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 826, 881, 974, 976.
46	By Mr. Harmer: "A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state; to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
47	By Mr. Staats: "A Bill to amend and re enact section thirteen of chapter sixty six, of the acts of the legislature of one thousand nine hundred and seventeen; serial section one thousand nine hundred and forty, supplement of Hogg's code of one thousand nine hundred and eighteen, relative to State Road Commission."				
48	By Mr. Poling: "A Bill to amend and re enact chapter thirty six of the code relating to the examination and testing of seeds sold in West Virginia for agricultural purposes, requiring labeling of said seed and providing penalty for violation thereof."	317		692	691, 776, 777.
49	By Mr. Chapman: "A Bill to amend and re enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."				
50	By Mr. Chapman: "A Bill to amend and re enact sections three and sixteen of chapter fifteen o, Barnes' code, relating to the jurisdiction of the Public Service Commission of West Virginia and appeals therefrom to the Supreme Court of Appeals."				
51	By Mr. Chapman: "A Bill to provide sufficient crews for freight trains operating in this state."				
52	By Mr. Chapman: "A Bill to establish a home for indigent colored people, to provide for the admittance of residents thereto and the management and control thereof; providing for payment to the state by county courts of counties having persons in said home and the method thereof and repealing acts and parts of acts inconsistent therewith."				
53	By Mr. Chapman: "A Bill to amend and re enact section twenty two of chapter one hundred and thirty seven of the code of West Virginia, relating to appointment and employment of janitors for court houses."				
54	By Mr. Chapman: "A Bill to require railroads to provide safe and convenient caboose cars on freight trains, and imposing a penalty for failure so to do."				
55	By Mr. Chapman: "A Bill creating a board of engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
56	By Mr. Scherr: "A Bill to amend sections six, sixteen and forty four of chapter forty six a of the code of West Virginia, relating to the care of dependent, neglected or delinquent children."	465		917	689, 886, 918, 964, 973.
57	By Mr. Scherr: "A Bill to amend and re enact section fifteen of chapter forty eight a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."				
58	By Mr. Scherr: "A Bill to amend section one of chapter one hundred and nineteen of the code of West Virginia relating to attorneys at law."				
59	By Mr. Scherr: "A Bill providing for the unauthorized use of vehicles."	131	281	636	156, 595, 745, 746.
60	By Mr. Scherr: "A Bill to retain and continue the lien of garage keepers, automobile repairmen or bailees of motor vehicles."				
61	By Mr. Scherr: "A Bill to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen."	370		545	370, 399, 425, 447, 610, 737, 738.
62	By Mr. Bloch: "A Bill to amend chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, by adding thereto section twenty-eight-a by which to enable building and loan associations to create a limited sinking fund to stabilize the maturity of stock series; and to require building and loan associations, whether incorporated or not incorporated, and all persons, firms, partnerships, associations, trustees, or combination of persons doing a building and loan business, or business of like kind or character, to obtain a permit from the Commissioner of Banking, and providing penalties."	335		941	889, 940, 962, 963.
63	By Mr. Bloch: "A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-a, sixty-seven-b, sixty-seven-c, sixty-seven-d, and sixty-seven-e, relating to inspection of factories, mercantile establishments, mills or workshops."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
64	By Mr. Duty (by request): "A Bill to authorise the maintenance of a suit on a contract by the party beneficially interested thereby and to prevent the promisor from fraudulently refusing to fulfill his obligation where there has been a valid consideration for the promise."				
65	By Mr. Duty (by request): "A Bill to consolidate, amend and re-enact the acts of the legislature of one thousand eight hundred and eighty-seven, chapter twenty; the acts of one thousand eight hundred and ninety-three, chapter forty; the acts of one thousand nine hundred and one, chapter twenty-seven; and the acts of one thousand nine hundred and five, chapter eighty-three, being chapter one hundred and fourteen-b of the code of one thousand nine hundred and thirteen; and serial sections four thousand six hundred and twenty-four to four thousand six hundred and thirty inclusive, relating to the employment of official stenographers by the court, defining their duties, the uses to which the records made by them may be put, and providing for the manner of their payment."				
66	By Mr. Duty (by request): "A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine of the code of West Virginia of one thousand nine hundred and thirteen, relating to the trial of criminal causes, and the grounds of discharge from prosecution."				
67	By Mr. Harmer: "A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties; section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employees by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers, and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill two hundred and eighty-four, acts of the legislature, one thousand nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."				
68	By Mr. York: "A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic for all resident children in said county under the age of sixteen years; to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."				
69	By Mr. Morton: "A Bill to amend and re-enact section three of chapter one hundred and twenty-nine of the one thousand nine hundred and thirteen code of West Virginia, serial section four thousand eight hundred and forty-eight, concerning commissioners in chancery."	112	266	493	140, 411, 605.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
70	By Mr. Morton: "A Bill relating to the possession of land and interests therein where there has been or may be a severance of the mineral or other interests from the surface, and declaring the possession of the surface owner to possession of the minerals or other interests for the benefit of the owner of such mineral or other interest."	131			131.
71	By Mr. Gribble: "A Bill to provide for a vote on the school levy in West Union District, Doddridge county, and in other districts in said county, or in the state."	100			138, 153, 179.
72	By Mr. Hough: "A Bill compelling the use of the English language: teaching the qualities for citizenship with the fundamental principles in our town, county, state and federal governments."				
73	By Mr. Luther: "A Bill regulating stationary engineers for the better protection of life and property against injury or damage resulting from the operation of steam engines and boilers by incompetent engineers and others."				
74	By Mr. Luther: "A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."				
75	By Mr. Luther: "A Bill providing for the regulation of the practice of the business of undertaking within the state of West Virginia, and providing penalties for violations thereof."	432			
76	By Mr. Luther: "A Bill continuing the West Virginia state board of embalmers, providing for the appointment of its members, describing the duties of the said board and its members, providing systematic examinations, registrations, regulations and licenses, for all persons who practice the art of embalming within the state of West Virginia, and providing penalties for violations thereof."				
77	By Mr. Bloch: "A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."				
78	By Mr. Bloch: "A Bill providing state aid for the encouragement of agricultural fairs, and making appropriations therefor."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
79	By Mr. Bloch: "A Bill to amend sections four hundred and eighty-three (as amended by section thirty-two of Barnes' code of one thousand nine hundred and fifteen c-ten), five hundred and thirty, five hundred and thirty-one, five hundred and thirty-two and five hundred and thirty-three of g-fifteen, and section five thousand one hundred and seventy-six of c-one hundred and forty-four, one thousand nine hundred and thirteen, and section thirty-three of one thousand nine hundred and fifteen c-ten and all other acts or parts of acts in conflict with the provisions of this act, entitled 'A Child Labor Law.'"				
80	By Mr. Duty: "A Bill to amend and re-enact section fifteen of chapter one hundred and forty-four (being serial section five thousand one hundred and sixty-six) of the code of West Virginia, of one thousand nine hundred and thirteen."	431			
81	By Mr. Duty: "A Bill to amend and re-enact section two (serial section five thousand one hundred and fifty-three) of chapter one hundred and forty-four of the code of West Virginia of one thousand nine hundred and thirteen."				
82	By Mr. Duty: "A Bill to amend and re-enact section nineteen of chapter one hundred and thirteen of the acts of the legislature of West Virginia, one thousand eight hundred and eighty-two."				
83	By Mr. Duty (by request): "A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one."				
84	By Mr. Chapman: "A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."				
85	By Mr. Chapman: "A Bill to regulate the sale commercial feeding stuffs."				
86	By Mr. Stewart: "A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine of the code relating to the discharge of persons under indictment for failure to try."				
87	By Mr. Arnold (by request): "A Bill to prevent the dismissal of meritorious actions at law and suits in equity for mischoice of remedy, whether it be to the form of the action, or brought in the wrong form, and to allow amendments by adding new parties or striking out unnecessary parties."				
88	By Mr. Johnson: "A Bill for the prevention of blindness from ophthalmia neonatorum."	255	300	708	280, 674, 842, 843.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
89	By Mr. Fox: "A Bill authorizing the Board of Public Works to procure and place in the respective court houses of the various counties of this state a bronze memorial tablet showing the names of the soldiers, sailors and marines from such counties who sacrificed their lives in the world war."				
90	By Mr. Luther: "A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or buildings or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor." Referred to the Committee on Public Buildings and Humane Institutions.				
91	By Mr. Chapman: "A Bill to amend section one of chapter fifty-three of the acts of the legislature of one thousand nine hundred and eleven, being section one-c, of chapter eleven of Barnes' code, edition of one thousand nine hundred and sixteen, relating to the salaries of judges of circuit courts."				
92	By Mr. Bloch: "A Bill to authorize the Board of Education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground to be used for the purpose of physical education of students of public schools."	370			
93	By Mr. Montgomery: "A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."	145		295	218, 268.
94	By Mr. Fox: "A Bill to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians."	133	384	733	156, 678, 846, 847.
95	By Mr. Fox: "A Bill to amend and re-enact section thirty-three of chapter forty-six-a of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines."	133	384	885	156, 689, 974, 976.
96	By Mr. Staats (by request): "A Bill to amend and re-enact section two hundred and nineteen of chapter fifty of Hogg's code one thousand nine hundred and thirteen, relative to the jurisdiction of justices of the peace."				
97	By Mr. Bloch: "A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter) and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
98	By Mr. Coalter: "A Bill to amend and re-enact chapter seventeen of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter eleven of the acts of one thousand nine hundred and thirteen, concerning hydro-electric or other companies producing or selling hydraulic or other power; authorizing such companies to exercise the right of eminent domain, defining and regulating the powers, rights, duties and obligations of such companies; regulating the building, operation and maintenance of dams across water streams, and all structures, works and property connected or used in connection therewith; providing for the utilization of wasted electrical energy, the conservation of resources and the use of the same for the development of the industries of the state for the national defense."				
99	By Mr. Chapman "A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, sixty-four, ninety-seven, one hundred and five, one hundred and seven, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty and adding section forty, and repealing sections, two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes, code, one thousand nine hundred and eighteen, relating to regulations respecting licenses and license taxes."	538		914	683, 878, 879, 958, 963 977, 987, 990.
100	By Mr. Chapman: "A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."	609			
101	By Mr. Gribble: "A Bill to amend and re-enact sections eleven, twelve, thirteen, fourteen, fifteen and sixteen and add thereto sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of chapter fifty-one of the code relating to notaries public and commissioners for other states and territories and providing for the appointment of commissioners for the state."	198			223, 665.
102	By Mr. Gribble: "A Bill to amend and re-enact section five of chapter one hundred and five of the code, relating to reports filed by the commissioner of school lands of delinquent and forfeited lands, and providing for the recordation of a copy of such report in the clerk's office of the county court in a book for such purpose."	280			

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
103	By Mr. Gribble: "A Bill to repeal, amend and re-enact section thirty-eight-a of chapter thirty-nine of the code, providing that no member of a county court, agent of the said court or any member of an advisory committee to said court shall appoint themselves a committee for the purpose wherein they shall receive any compensation, nor shall they furnish any material and supplies to be used in any public matter or to a contractor doing public contract work."	189	744		223, 745.
104	By Mr. Arnold (by request): "A Bill to create and incorporate the municipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."	146		380	219, 268, 310, 379, 380, 532, 533.
105	By Mr. Hough (by request): "A Bill to amend chapter forty-one of the code of West Virginia by amending and re-enacting sections twenty-three, twenty-four and twenty-seven thereof."				
106	By Mr. Hough (by request): "A Bill to amend and re-enact section thirty-four of chapter one hundred and of the code of West Virginia."				317.
107	By Mr. Hough (by request): "A Bill to amend and re-enact section twenty-seven-b of chapter one hundred and forty-five of the code of West Virginia."				
108	By Mr. Johnson: "A Bill to amend and re-enact section twenty-three of chapter thirty of the code of West Virginia of one thousand nine hundred and thirteen."	255	442		280, 442.
109	By Mr. Stewart: "A Bill creating the twenty-fourth judicial circuit, fixing the time for holding terms of circuit court thereof, providing for the election of a judge thereof, and continuing the judge of the fifteenth judicial circuit in office until the expiration of his term, and defining the duties and emoluments thereof; and providing that Preston county shall constitute and remain the fifteenth judicial circuit."				
110	By Mr. Stewart: "A Bill to prohibit trespassing on railway rights of way."				
111	By Mr. Stewart: "A Bill authorizing the board of education of Union Independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."				
112	By Mr. Stewart: "A Bill to punish the keeping of gambling places and the operation of gambling."				
113	By Mr. Arnold: "A 'Budget Bill' making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budget Amendment.'"	807		818	734, 735, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 865, 866, 961.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
114	By Mr. Scherr: "A Bill to amend and re-enact chapter fifteen-j, Barnes' code of one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a state board of children's guardians and to define its duties."	316		706	501, 524, 673, 779, 846, 847.
115	By Mr. Scherr (by request): "A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred and forty-two-a of Hogg's code, providing for the establishment and location of a miners' hospital in the town of St. Albans, in the county of Kanawha, which shall be known as miners' hospital No. 4."				
116	By Mr. Gribble: "A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."	146	282		219 690.
117	By Mr. Luther: "A Bill to authorize the county court of the county of McDowell to pay costs to officers and persons entitled thereto out of the county treasury, in cases where the same have been paid by persons working on the public roads of the county under sentence of a court as provided by chapter forty-two or chapter forty-three of the acts of the legislature of one thousand nine hundred and thirteen."				
118	By Mr. Luther: "A Bill authorizing and directing county courts to pay to certain officers the fees earned by such officers in criminal cases and which have been taxed as costs against persons convicted of crime and discharged by such persons by working on the public roads of the county."				
119	By Mr. Luther (by request): "A Bill to re-enact sections fifteen and sixteen of the acts of the legislature of one thousand nine hundred and thirteen, entitled 'An act of the legislature of prohibition.'"				
120	By Mr. Harmer (by request): "A Bill to amend and re-enact chapter twelve of the acts of one thousand nine hundred and thirteen, as amended and re-enacted by chapter twenty-two of the acts of one thousand nine hundred and fifteen; section eighteen of chapter forty-two of the code of West Virginia, as amended and re-enacted by chapter seventy-four of the acts of one thousand nine hundred and seven, regular session, and as further amended and re-enacted by chapter twenty-three of the acts of one thousand nine hundred and fifteen; section twenty of chapter forty-two of the code of West Virginia, as amended and re-enacted by chapter seventy-four of the acts of one thousand nine hundred and seven, regular session; section eleven of chapter fifty-two of the code of West Virginia, as amended and re-enacted by chapter forty-three of the acts of one thousand nine hundred and seven, regular session, and section twenty-four of chapter fifty-two of the code of West Virginia; relating to the right and power of eminent domain and the condemnation or appropriation of property for public use, the exercise thereof and the procedure therein."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
121	By Mr. Staats: "A Bill to require the erection of guide posts at the forks and crossings of the public highways in the several counties of West Virginia."				
122	By Mr. Bloch: "A Bill to levy a privilege tax on the transportation of natural gas by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax and defining the duties of said tax commissioner hereunder."				
123	By Mr. Chapman: "A Bill to create in the department of state tax commissioner a division to be known as the 'Division of Industrial Induction.'"	705		951	949, 950.
124	By Mr. Chapman: "A Bill vesting a discretionary power and authority in the several county courts of the state to make an equitable settlement and adjustment with contractors for work upon roads and bridges in certain class of cases."				
125	By Mr. Fox: "A Bill to establish a department in the West Virginia Collegiate Institute for the education of the deaf and blind persons of the Negro race, and to provide for the management of such department."				
126	By Mr. Fox: "A Bill to establish the West Virginia Colored Hospital and Reformatory for the care and treatment of insane persons and other incurable mental defectives of the Negro race, the care, education and training of the Negro youth of the state, and to provide for the management of such institution."				
127	By Mr. Gribble: "A Bill to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads."	199	288	700	223, 672, 842, 843.
128	By Mr. Duty: "A Bill to amend and re-enact section seventy-seven of chapter fifty-four of Barnes' code of West Virginia."	308			
129	By Mr. Harmer: "A Bill to amend and re-enact sections three, four, fourteen and thirty-one of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and eighteen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and eighteen, by enacting as additional thereto three sections, to be numbered sections thirty-one-a, thirty-one-b and thirty-seven, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'Moonshine stills.'"	607		879	824, 825, 827, 880, 934 935.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDING
130	By Mr. Sanders: "A Bill to provide for the recording of affidavits as to his birth, marriage, death, name, residence, identity				
131	By Mr. Sanders: "A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailers' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c providing for expenses and allowance of sheriffs and time of settlement and salary."				
132	By Mr. Sanders: "A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three of chapter twenty-nine of the code relating to assessments and taxation."				
133	By Mr. Scherr: "A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."				
134	By Mr. York (by request): "A Bill to amend and re-enact sub-section two of section one; sub-section five of section one; section two, section six, all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen, and to add to said chapter section three-a and section six-a, all relating to the public health."	335		877	678, 733, 734, 923, 924
135	By Mr. Duty: "A Bill to require useful and productive occupation and prevent idleness and vagrancy by able-bodied male residents of West Virginia."				
136	By Mr. Harmer: "A Bill to amend and re-enact section seven of chapter fifty-seven of the code, relating to the quantity of land that may be held by religious, educational or benevolent institutions, and suits in relation thereto."	308			
137	By Mr. Harmer (by request): "A Bill to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turn-pikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipts and expenditures of all moneys raised by such levy; and to exempt any magisterial district of said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five, of the acts of one thousand nine hundred and seventeen."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
135	By Mr. Bloch (by request): "A Bill defining and regulating the carrying for sale, endeavoring to sell, or sale of cotton duck or canvas articles composed in whole or in part of cotton duck or canvas awnings, pauline, wagon covers, tents, grain and hay covers, stable or tent tops, and requiring the same to be properly marked as to weight, size and use of fillers or other preparations."				
139	By Mr. Montgomery: "A Bill to amend and re-enact sections seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen and to add section six-a thereto, all relating to the department of mines."				
140	By Mr. Scherr: "A Bill creating the office of county treasurer and prescribing the power, duties and compensation thereof."				
141	By Mr. Harman: "A Bill to fix the salary of the clerk of the county court, the clerk of the circuit court and prosecuting attorney of Mineral county."				
142	By Mr. Harmer: "A Bill to provide against the escape from plants and factories used in the manufacture or production of any metal, chemical or other substance, of noxious or poisonous smoke, fumes, dust or gases, injurious to or destructive of animal, plant or vegetable life, including farm crops, or to the health of any person or persons or the proper and comfortable use of the property of any person or persons, empowering the Commissioner of Agriculture to do certain things thereunder, and prescribing a penalty for the violations thereof."				
143	By Mr. Harmer: "A Bill to regulate the practice of architecture in the state of West Virginia."				
144	By Mr. Staats: "A Bill to allow absent electors to vote."				
145	By Mr. Scherr: "A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."				
146	By Mr. Johnson: "A Bill to amend and re-enact section eleven of chapter one hundred and twenty-four of the code of West Virginia."				
147	By Mr. Morton: "A Bill to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools."	408		874	677, 732, 881, 935, 936.
148	By Mr. Coburn: "A Bill to amend and re-enact section three of chapter seventy-nine of the code relating to partition of lands and sale of lands not susceptible of partition."				
149	By Mr. Scherr: "A Bill authorizing the county courts, or tribunals created in lieu thereof to provide depositories for public money; requiring the treasurers of county, district and other funds and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto."	316		872	674, 675, 923, 924.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
150	By Mr. Montgomery: "A Bill to amend and re-enact chapter fifty-four-c of the code of West Virginia, one thousand nine hundred and sixteen, relating to the incorporation and regulation of trust, fidelity, surety, guarantee, bonding, insurance and title companies."	705		922	888, 921, 964, 972.
151	By Mr. Lewis: "A Bill to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, etc., in coal mines."	336		873	439, 676, 731, 923, 924.
152	By Mr. Coalter: "A Bill to amend and re-enact section six of chapter ninety-eight-a of the code of West Virginia, relating to the validity and negotiable character of instruments."				
153	By Mr. Montgomery: "A Bill authorizing the county court of Logan county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose, for the year one thousand nine hundred and twenty on the taxable property in said county for the purpose of building for said county, at the county seat thereof, a jail, and providing for the building thereof for the receipt and disbursement of all moneys raised by said levy."	308		375	374, 532, 533
154	By Mr. Bloch: "A Bill to amend and re-enact section thirty-six of chapter one hundred and forty-five, Barnes' code of one thousand nine hundred and eighteen (chapter forty-three of the acts of the legislature, one thousand nine hundred and fifteen, regular session), relating to false, deceptive and misleading advertising."				
155	By Mr. Bloch: "A Bill establishing a state athletic commission, regulating boxing and sparring in the state of West Virginia, and repealing section twenty-seven-a of chapter one hundred and forty-four of the code of West Virginia of one thousand nine hundred and thirteen."				
156	By Mr. Bloch: "A Bill to amend and re-enact section eighty-seven of chapter fifteen-h of the code, relating to treatment in Welch Hospital Number One, McKendree Hospital Number Two and Fairmont Hospital Number Three."				
157	By Mr. Kump: "A Bill to establish equip and maintain a demonstration community packing house for the purpose of illustrating and teaching approved methods of packing apples, peaches and other similar fruit."				372.
158	By Mr. Hough: "A Bill amending and re-enacting section two of chapter thirty-nine of the code of West Virginia relating to county courts."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
159	By Mr. Duty (by request): "A Bill to amend and re-enact sections seventy-seven, seventy-eight, seventy-eight-a (seven), seventy-nine-a (one), eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine), seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."				
160	By Mr. Harmer: "A Bill to amend and re-enact chapter twenty-six of the acts of one thousand nine hundred and fifteen, as amended and re-enacted by chapter five of the acts of the third extraordinary session of one thousand nine hundred and sixteen."				
161	By Mr. Stewart: "A Bill to authorize the county court of the county of Marion to establish and maintain a county law library."	342		556	470, 512, 739, 740.
162	By Mr. Hough: "A Bill to amend and re-enact sections three and fourteen of chapter fourteen of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-seven, in reference to the charter of the city of Wellsburg, as amended by chapter sixty-five of the acts of one thousand eight hundred and ninety-five; chapter one hundred and forty-nine of the acts of one thousand nine hundred and one; chapters sixty-eight and sixty-nine of the acts of one thousand nine hundred and three; chapter ten of the acts of one thousand nine hundred and seven; and chapter four of the acts of one thousand nine hundred and fifteen; and chapter one hundred and sixteen of the acts of one thousand nine hundred and seventeen."	408		751	564, 624, 849, 850.
163	By Mr. Staats (by request): "A Bill to amend and re-enact sections one hundred and twenty-nine, one hundred and thirty-two and one hundred and thirty-three of the regular session of the acts of the legislature of West Virginia of one thousand nine hundred and seventeen, in regard to the registration fee on motor vehicles."				
164	By Mr. Coburn: "A Bill to amend and re-enact sections three, eight, twenty and twenty-three of chapter five, of the third extraordinary session of the legislature, one thousand nine hundred and sixteen, concerning primary elections, the nominations of candidates, the regulation of political parties and party committees."	335		942	402, 468, 756, 890, 891 968, 978, 979, 980, 981
165	By Mr. Coburn: "A Bill to amend and re-enact chapter thirteen, second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state or to the United States to be absent from their voting precincts on the day of election, to vote by registered mail."	336		942	756, 891, 943, 969, 978
166	By Mr. Coburn: "A Bill to amend and re-enact sections three, seventeen and eighteen of the live stock sanitation law, chapter thirteen of the acts one thousand nine hundred and fifteen,"	431		599	598, 739, 740.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
167	By Mr. Bloch: "A Bill to amend and re-enact section forty-nine of chapter fifty-three of the code."	335		914	690, 885, 915, 964, 973.
168	By Mr. Bloch: "A Bill to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as sixty-five-a."	707		715	842, 843.
169	By Mr. Scherr: "A Bill to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of chapter fifteen-j, relative to the prevention of cruelty to animals, to become sections fourteen-a, fourteen-b, fourteen-c, fourteen-d, fourteen-e, fourteen-f and fourteen-g of chapter one hundred and forty-nine, Barnes' code of one thousand nine hundred and eighteen."	431		876	678, 732, 925, 926.
170	By Mr. Chapman (by request): "A Bill repealing section seven of chapter seventy-one of the acts of one thousand nine hundred and nine, passed February twenty, one thousand nine hundred and nine, in effect May twenty-one, one thousand nine hundred and nine, entitled: 'An act to repeal chapter twenty-two of the acts of the legislature at the extra session, one thousand nine hundred and eight, which amended and re-enacted chapter fifty-five of the code, so far as the same relates to fraternal beneficiary societies, and to enact in lieu thereof a chapter of the code, to be known as chapter fifty-five-a, relating to the organization, operation and management of fraternal beneficiary societies.'"				
171	By Mr. Dodson: "A Bill to amend and re-enact section nine of chapter one hundred and twelve of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing for the residence and disqualification of a judge of the circuit, intermediate or criminal court."				
172	By Mr. Arnold: "A Bill to amend and re-enact all of chapter sixty-two-b of Barnes' code one thousand nine hundred and sixteen and also as amended and re-enacted by chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of commercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof."	713			
173	By Mr. Hunter: "A Bill to amend and re-enact section four of chapter twenty-three of the acts of the legislature of one thousand nine hundred and seven, relating to Tyler county high school."				
174	By Mr. Harmer: "A Bill to amend and re-enact section eight-b and ten of chapter five of Barnes' code of one thousand nine hundred and sixteen."	432			
175	By Mr. Sanders: "A Bill to amend and re-enact sub-section twenty-nine-b of section twenty-nine, chapter one hundred and fifty of the code of West Virginia of one thousand nine hundred and thirteen, relating to the sale of drugs and medicines."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
176	By Mr. Luther: "A Bill relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races."	413		877	678, 735, 925, 926.
177	By Mr. Arnold: "A Bill fixing the annual allowance to the clerks of the county and circuit courts of Upshur county."	491		660	563, 616, 661, 665, 747.
178	By Mr. Gribble: "A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to contro' the same and describing its powers and uses."	409		638	525, 526, 596, 597, 682, 822, 828, 830, 831, 832
179	By Mr. Harmer: "A Bill to amend and re-enact sections seventy-four and eighty-six of chapter three of the code concerning elections."	465			
180	By Mr. Harmer: "A Bill to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston."	430		661	563, 616, 666, 777, 778
187	By Mr. Staats (by request): "A Bill to amend and re-enact chapter sixteen, acts of one thousand nine hundred and fifteen, providing for the establishment of standard weights and measures and for the inspection and sealing of devices used for weighing and measuring commodities."				
182	By Mr. Staats (by request): "A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire land by condemnation or otherwise, not to exceed ten acres, for district high school purposes, and authorizing a special levy to pay for same."	341		377	376, 378, 531.
183	By Mr. Dodson (by request): "A Bill to amend and re-enact section eleven of chapter seven of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing for the appointment of deputy circuit and county clerks, deputy sheriffs, and prohibiting the appointment of certain persons as deputy sheriffs."				
184	By Mr. Dodson (by request): "A Bill to amend and re-enact section three of chapter fifty-four of Barnes' code of West Virginia for one thousand nine hundred and eighteen, prohibiting the incorporation of religious denominations, land selling companies for profit and detective agencies or associations and providing that such detective agencies or associations now incorporated shall be co-partnerships."				
185	By Mr. Dodson (by request): "A Bill to amend and re-enact section twenty of chapter one hundred and fifty-two of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing that certain evidence shall not be used against a person charged with crime."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
186	By Mr. Gribble: "A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."	465			492.
187	By Mr. Sanders: "A Bill to provide for the formation of co-operative agricultural or horticultural associations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, and for other purposes."	607			
188	By Mr. Burr: "A Bill to amend and re-enact sections nine and ten of chapter sixty-three of the code of West Virginia, relating to marriages, being serial sections numbered three thousand six hundred and nine and three thousand six hundred and ten of Hogg's annotated code of West Virginia, edition of one thousand nine hundred and thirteen, as amended by chapter nineteen of the acts of the legislature of one thousand nine hundred and seventeen."				
189	By Mr. Hough: "A Bill creating the department of state police, providing for the appointment of a superintendent thereof, together with the officers and men who shall constitute the force; defining their powers and duties, and making an appropriation for the expenses connected therewith."	813			814, 871.
190	By Mr. Arnold (by request): "A Bill to create a state board of engineers, prescribing the duties and compensation thereof, and regulating the construction of structures involving the public safety, and the practice of engineering professions."				
191	By Mr. Coalter: "A Bill to amend and re-enact section thirty-two of chapter one hundred and forty-five of Barnes' code of one thousand nine hundred and sixteen."				
192	By Mr. Coalter: "A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people."		802	945	590, 591, 824, 892, 893, 946, 969, 979.
193	By Mr. Bloch: "A Bill to amend and re-enact section two (2) of chapter twenty-one (21) of the acts of one thousand nine hundred and fifteen (Greater Wheeling charter) and approved by a majority of the voters of the city of Wheeling, at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
194	By Mr. Sanders: "A Bill to amend and re-enact sections twelve, nineteen and twenty, of chapter one hundred and thirty-seven, Barnes' code, one thousand nine hundred and sixteen, relating to the fees of justices of the peace in civil and criminal cases."				
195	By Mr. Staats (by request): "A Bill to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled 'An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia, entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia."	652		789	755, 788, 832, 912, 913, 937, 938.
196	By Mr. Sanders: "A Bill providing for the prompt furnishing to the judiciary of the state of copies of laws taking effect from their passage."	488		550	549, 604.
197	By Mr. Morton: "A Bill to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code, one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby."	488		875	678, 732, 936, 937.
198	By Mr. Burgees: "A Bill to create the independent school district of Church in the county of Wetsel."	608		783	629, 754, 928, 929, 930
199	By Mr. Arnold (by request): "A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or District of Columbia or any foreign country authorized under the laws of this state to hold property or to transact business in this state from prosecuting suits or actions, either now pending or hereafter instituted against like corporations in any court of any other state or territory of the United States or District of Columbia or any foreign country when the cause of such suit or action arose in the state of West Virginia, or when such suit or action involves the title to, or possession or right of possession of real estate situate in the state of West Virginia; providing penalties for the violation of the act, and providing for injunction to inhibit the prosecution of such suits."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
200	By Mr. Arnold: "A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."	408		514	470, 642, 643.
201	By Mr. Stewart: "A Bill to authorize the state board of control to purchase, for the West Virginia Industrial Schools for boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business."	370		560	471, 515, 739, 740.
202	By Mr. Bloch: "A Bill to amend chapter one hundred twenty of the code, by adding thereto section nine relating to prosecuting attorneys."				
203	By Mr. York: "A Bill relating to advertisements of certain remedies."	464		983	969, 979 982.
204	By Mr. York: "A Bill to amend and re-enact section two hundred nineteen of chapter fifty of the code of West Virginia."				
205	By Mr. Harmer: "A Bill to amend and re-enact section eleven of chapter thirty-six of Barnes' code of one thousand nine hundred and sixteen, and to repeal section one hundred and fourteen of chapter sixty-six of the acts of one thousand nine hundred and seventeen, regular session."	697			
206	By Mr. Harmer: "A Bill to amend and re-enact section forty-two of chapter one hundred twenty-three of the acts of the legislature, regular session of one thousand nine hundred and seventeen, and add section forty-two-a to said chapter."	697		891	819 967, 977.
207	By Mr. Kump: "A Bill amending and re-enacting section forty-nine-b-one of chapter forty-seven of Hogg's code providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."				
208	By Mr. Kump: "A Bill to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia."	488		500	499, 500, 603, 604.
209	By Mr. Kump: "A Bill amending and re-enacting section twenty-one of chapter forty-five of the one thousand nine hundred and eighteen supplement of Hogg's code regulating the laying of levies by boards of education for school purposes."				
210	By Mr. Kump: "A Bill amending and re-enacting section twenty-eight of chapter forty-five of the one thousand nine hundred and eighteen supplement of Hogg's code fixing the salaries to be paid to teachers in public schools in the state of West Virginia."				
211	By Mr. Scherr: "A Bill authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district of Charleston."	696		790	756, 791, 868, 869.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
212	By Mr. Chapman: "A Bill to amend and re-enact sections three and five of chapter sixteen of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine; and prescribing the manner of the nomination and election, the qualification, the compensation and the term of office of members of the board of education of the school district of Huntington."	706		706	706, 808, 860.
213	By Mr. Lewis: "A Bill fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county."	610		786	755, 785, 868, 869.
214	By Mr. Johnson: "A Bill to re-arrange and establish the several judicial circuits in this state, and to fix the time of holding the circuit courts in the several counties therein."	780		908	824, 860, 861, 862, 863 864, 868, 907, 943, 970 972.
215	By Mr. Burgess: "A Bill to amend and re-enact section seventeen of chapter eight of the acts of one thousand nine hundred and thirteen (chapter fifteen-n of Barnes code of West Virginia), relating to employees in hotels, rooming houses and restaurants."				
216	By Mr. Harman: "A Bill providing for and assessing a privilege and license tax upon the transportation of natural gas by means of pipe lines and authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining his duties in relation thereto and authorizing the Public Service Commission to settle certain questions that may arise in the assessment of such tax."				
217	By Mr. Stewart: "A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividends and income from cash, stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."				
218	By Mr. Johnson: "A Bill to amend and re-enact section six of chapter thirty-one of the code of West Virginia of one thousand nine hundred and thirteen relating to the sale of land for taxes."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
219	By Mr. Dodson (by request): "A Bill to amend and re-enact sections one, twenty-one and twenty-nine of chapter five, of the acts of the third extraordinary session of one thousand nine hundred and sixteen, relating to primary elections."				
220	By Mr. Scherr (by request): "A Bill authorising the organisation of mutual fire insurance companies."				
221	By Mr. Luther: "A Bill authorising and regulating the exchange of reciprocal or inter-insurance contracts among individuals partnerships and corporations; empowering corporations to enter into such contracts; regulating process in suits on such contracts; fixing certain fees and taxes and providing penalties for violation of this act."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
222	<p>By Mr. Stewart:</p> <p>"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve-a, one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular Session of one thousand nine hundred and fifteen, entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act;' and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."</p>	608		628	626, 627, 629, 683, 684 685, 843, 845, 846.
223	<p>By Mr. Sanders:</p> <p>"A Bill fixing an annual allowance to the clerk of the circuit court of Mercer county."</p>	607		749	621, 662, 758, 851, 852

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
224	By Mr. Chapman: "A Bill to amend and re-enact sections fourteen, twenty-two and twenty-five of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, relating to the independent school district of Huntington, and the conduct of the schools within said district."	840		949	948, 962, 963.
225	By Mr. Chapman (by request): "A Bill establishing a building code, regulating the construction of repair of, alteration on the additions to public buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."				
226	By Mr. Staats: "A Bill relating to interest on high school bonds of Washington district, Pleasants county West Virginia."	685			
227	By Mr. Scherr: "A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."	707			
228	By Mr. Bloch: "A Bill to amend and re-enact chapter fifty-four-c of Barnes' code of one thousand nine hundred and sixteen by adding thereto sections twelve-a and twelve-b, relating to trust, guaranty and surety companies."				
229	"A Bill to amend chapter fifteen-b of Hogg's and Barnes' code of West Virginia relating to the protection and regulation of labor by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, section five hundred and forty-two-a of Hogg's code, providing for the establishment and location of Mullens hospital No. 4 in the town of Mullens, Wyoming county."				
230	By Mr. Scherr (by request): "A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, relating to authentication and record of deeds and other writings."				
231	By Mr. Poling: "A Bill to amend and re-enact section three of chapter nineteen of municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant, in the county of Mason."				
232	By Mr. Burgees: "A Bill to amend and re-enact sections one two, three, four, eight, ten, twelve, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-nine and thirty-one of chapter five of the acts of the special session of one thousand nine hundred and sixteen (Barnes' code, chapter three, section twenty-six-a—one, two, three, four, eight, ten, twelve, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-nine and thirty-one, relating to primary elections and party conventions."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
233	By Mr. Luther: "A Bill to authorize and empower the state board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."	704		939	889, 938, 940, 965, 973.
234	By Mr. Fox: "A Bill to amend and re-enact section six, of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen"				
235	By Mr. York: "A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and fifty-two of chapter fourteen of the acts of the legislature one thousand nine hundred and fifteen, incorporating the city of Williamson"	713		753	752, 851, 852.
236	By Mr. Lewis: "A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."	697			823, 824, 892.
237	By Mr. Sinsel: "A Bill to authorize the county court of Taylor county to appropriate and expend annually, public moneys in connection with the observance of public memorial services on the thirtieth day of May, each year, at the United States national cemetery at the city of Grafton."	609		680	679, 681, 851, 852.
238	By Mr. Duty: "A Bill to provide for the submission to the voters of the state of an amendment to the constitution of the state, as follows: Amending sections twenty-two and thirty-three of article six."	702		703	242, 243.
239	By Mr. Harmer: "A Bill authorizing the board of education of Coal district, Harrison county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a high school building in what is known as Adamston, in said Coal district."	705		792	756, 791, 870.
240	"A Bill to amend and re-enact section four of chapter one of the code of West Virginia, relating to the limits and jurisdiction of the state and acquisition of lands by the United States, and authorizing any county, magisterial district or municipality to pay for such land and present the same to the United States free of cost."	705			
241	By Mr. Lewis: "A Bill to create the municipal corporation of the city of Richwood, in the county of Nicholas, to grant a charter thereto and to annul the charter of the town of Richwood."				
242	By Mr. Duty: "A Bill authorizing and directing the Virginia debt commission to offer to the state of Virginia a settlement of the Virginia debt controversy, and providing funds for the payment of such offer, if accepted."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
243	By Mr. York: "A Bill to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act."				
244	By Mr. Chapman: "A Bill to authorise the public health council to issue certificates only to competent registered nurses, to administer anaesthetics, under the direction and control of regularly licensed physicians and surgeons."				
245	By Mr. Staats: "A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provisions by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorise the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years."	779		906	889, 905, 966, 975.
246	By Mr. Sanders: "A Bill to comply with decrees of the supreme court of the United States in the suit of the Commonwealth of Virginia v. the State of West Virginia, pending in that court, providing for the issuance of bonds and the appropriation of money for the payment of what is commonly known as the Virginia debt."				
247	By Mr. Fox: "A Bill for the commitment to a state hospital for the insane of persons so far addicted to the use of opium or cocaine or any derivative of either, that his will to resist the desire of such drugs is substantially destroyed."				
248	By Mr. Montgomery: "A supplementary appropriation bill providing for a state levy on real and personal property, for the support and maintenance of the departments of state patrol, the payment of the expenses thereof and compensation for the officers and members thereof."				
249	By Mr. Harmer: "A Bill to amend and re-enact section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarkburg school district"	867		947	946, 964, 973.
250	By Mr. Bloch: "A Bill to fix the salary of the prosecuting attorney of Ohio county."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
251	"An Act to amend and re-enact sections forty-nine and fifty of chapter six of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and fifteen, relating to the charter of the city of Martinsburg."	958		961	959, 960, 962, 963.
252	"A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment."	985		986	970, 972, 985, 987.

Number	TITLE OF SENATE JOINT RESOLUTIONS	When Reported	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
1	"Ratifying the proposed amendment to the constitution of the United States prohibiting the manufacture, sale or transportation of intoxicating liquors, with, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof, for beverage purposes."	9	12		
2	"Proposing to amend section twenty-three, article eight of the constitution relating to the term of office and compensation of county commissioners."				
3	"Proposing an amendment to sections twenty-two and thirty-three of article six of the constitution of this state."		547		280.
4	"Relating to the Twin Mountain and Potomac Railroad."			75	142, 181, 255, 406, 448
5	"Authorising the veterinary examining board to register Lee A. Black as a veterinarian."				
6	"Relating to the Virginia Debt."	166	170		
7	"Providing for the adoption of joint rules of the two houses."	111	130		
8	"Proposing an amendment to section four of article ten of the constitution of this state."				
9	"Relative to institution of suit by a state against the United States government in the supreme court of the United States"	208			274.
10	"Authorising Robert L. Baisden to practice medicine and surgery."				
11	"Authorising A. E. Evans to practice medicine and surgery."				
12	"Proposing an amendment to the constitution of West Virginia."				
13	"Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the pre-eminent location for such sanitarium"	369	524		988.
14	"Providing for the appointment of a joint committee by the Senate and House of Delegates, to confer with alike committee appointed by the legislature of the state of Maryland, as to the feasibility, method and cost of acquiring or taking over any bridge or bridges connecting the said two states."	315			
15	"Proposing an amendment to the constitution of this state."	462	670		553, 594, 653
16	"Proposing an amendment to the constitution of the state by adding thereto, as part thereof, article fifteen, to be designated by the title, 'Municipal Home Rule.'"	834			
17	"Providing for the disposition of the remaining volumes of the code of one thousand eight hundred and sixty-eight and the code of one thousand eight hundred and sixty-nine by the secretary of state."	414			

Number	TITLE OF SENATE JOINT RESOLUTIONS	When Reported	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
18	"Authorizing and requesting the governor to appoint a commission to revise the printing laws, and to inquire into the advisability of the establishment of a state printing plant or of dividing the state printing among the various printing plants of the state."				
19	"Declaring it to be the sense of the legislature that the National Guard of West Virginia should be re-organized in accordance with existing laws and regulations."				
20	"Memorializing the President of the United States the Congress of the United States, and the United States railroad administration, relative to the matter of freight rates on materials for public works."				
21	"That in case the proposed amendment to the constitution regarding a bond issue for a system of state roads and highways is ratified at the next general election the governor of this state is requested that as soon as such ratification is ascertained to appoint a committee of five from the members who will compose the next legislature of this state, three from the House of Delegates and two from the Senate, who, together with the State Road Commission, and such representative of the Federal government as might be designated by it shall prepare such bill or bills and make such investigations and recommendations as such committee may deem proper, and submit the same, together with to report, to the legislature at its next session thereof."	780	904		906.
22	"Requesting the War Department of the Federal government to a lot to the state of West Virginia certain captured German ordnance to be placed on the state house grounds."	808			
23	"Approving and endorsing campaign for funds for the relief of Armenian, Syrian Greek and other war sufferers."	909	920		921.

Number	SENATE CONCURRENT RESOLUTIONS	When Reported	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
2	"Providing for the appointment of a committee from the Senate and House of Delegates to investigate rules, method of procedure and constituted body of the West Virginia legislature."				
3	"Providing for the preservation of a list of names of West Virginia soldiers and sailors who served during the late war with Germany."	688	919		
4	"Authorizing, empowering and directing the West Virginia Debt commission to offer a gross sum of money to the owners of the so-called West Virginia certificates in full payment of all demands made on the state of West Virginia by said certificate owners."				
5	"A resolution calling on the new Virginia Debt commission of West Virginia to make further report to the Senate and House of Delegates relating to its negotiations with the Debt commission of Virginia, relative to the adjustment of all matters in difference involved in the suit between the two states, out of court, and recommend to the legislature what action should be taken in said matter."	365	367		366, 368.
6	"Relating to the judgment of Virginia against West Virginia."	805	856		854, 855.
7	"Relating to the Primary Law."	916	917		987.
8	"Relating to the Virginia Debt."	944	944		988.
10	"Raising a Joint Committee to wait upon the Governor."	990	990		

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JOINT AND CONCURRENT
RESOLUTIONS
EXTRAORDINARY SESSION 1919**

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
1	By Mr. John: "A Bill continuing the executive and advisory state councils of defense as 'Americanization, reconstruction and development councils of West Virginia,' and prescribing the powers and duties thereof."	13	41	76		50, 51, 59, 72, 77.
2	By Mr. Lantz: "A Bill authorizing the board of education of Grant District, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district."	14		46	51	45, 169, 170, 217.
3	By Mr. John: "A Bill to raise additional revenue for payment of the debt of West Virginia: to Virginia and for other purposes, by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."	14	57	78	190	58, 60, 61, 73, 77, 164, 191, 192, 193, 194, 204, 205.
4	By Joint Committee on State Police: "A Bill creating a department of public safety, to provide protection for the lives and property of the inhabitants of the state of West Virginia, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the department of public safety for misconduct in office."	38		142	188	49, 50, 58, 68, 69, 70, 71, 98, 99, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 133, 134, 136, 137, 138, 139, 140, 141, 142, 150, 180, 181, 189, 202.
5	By Mr. Taylor: "A Bill to raise additional revenue for general state purposes by imposing a license tax on persons, firms and corporations owning or holding land in excess of five thousand acres in West Virginia."	38				
6	By Mr. Taylor: "A Bill imposing a special license tax on persons, partnerships, associations, companies and corporations for the privilege of carrying on in this state the business of producing and selling coal, natural gas and petroleum or rock-oil, and providing for the ascertainment and collection of such tax."	38				
7	By Mr. Morris (by request): "A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for the maintenance of the people, and tagging and taxing dogs."	39		67	173	50, 58, 59, 68, 177, 182, 206, 231.

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
8	By Mr. John: "A Bill relating to the salaries and compensation of judges and court reporters of the circuit courts of the state."	39				50; 59, 72, 77, 102, 144 145.
9	By Mr. McClintic: "A Bill to amend and re-enact section sixty-six of chapter twenty-nine of the code of West Virginia of one thousand nine hundred and thirteen relating to the assessment of property for taxation."	39	56			
10	By Mr. Twyman: "A Bill authorizing and regulating the exchange of reciprocal or inter-insurance contracts among individuals, partnerships and corporations; empowering corporations to enter into such contracts; regulating process in suits on such contracts; fixing certain fees and taxes and providing penalties for violation of this act."	39				50, 59.
11	By Mr. Anderson: "A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."	43				40, 59, 72, 73, 79, 85, 147 184.
12	By Mr. Hays: "A Bill to provide revenue by regulating the holding of fairs and race meetings in the state of West Virginia and to control such fairs and race meetings by creating a state racing commission and defining the powers and duties of such commission."	43				62, 73, 74.
13	By Mr. Wyssong: "A Bill to amend and re-enact chapter nine, of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, and being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."	43			179	62, 103, 104, 132, 133, 134, 178, 179, 180.
14	By Mr. Brand: "A Bill to amend chapter fifty-one of the West Virginia code of one thousand nine hundred and thirteen by adding thereto a new section to be numbered seventeen, providing a fee for the issuance of commission to state commissioners."	76				146.
15	By Mr. Moore: "A Bill equalizing the obligations and burdens of the inhabitants of the state by imposing a special annual tax on unmarried male inhabitants within specified ages."	76				
16	By Mr. Moore: "A Bill providing for the employment of returning soldiers and sailors, and for the promotion of the welfare of all citizens by securing suitable employment without cost to them; and for the further purpose of disseminating American patriotism among all classes."	76	93			

Bill Number	TITLE OF HOUSE BILLS	Introduced	Reported from Committee	Passed House	Passed Senate	OTHER PROCEEDINGS
17	By Mr. Richards (by request): "A Bill to provide revenue for the state by levying a license tax on the operation of gas pumping stations and gas compressing stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such taxes, defining the duties of the said tax commissioner hereunder and regulating the operation of gas pipe lines, gas pumping plants and gas compressor stations."	81	93			97.
18	By Mr. McClintic: "A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."	85		203	217	147, 148, 149, 150, 168 183, 204, 220, 221, 229
19	By Mr. McPherson: "A Bill to fix the fees for the renewal of certain classes of teachers' certificates and to determine the conditions upon which such fees are payable."	96		131	135	130, 136, 165, 169, 170 217.
20	By Mr. Hersman (by request): "A Bill to amend and re-enact sections one and one hundred twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."	97				116, 117, 151, 152, 161. 165, 166, 182.

Number	TITLE OF HOUSE CONCURRENT RESOLUTIONS	Introduced	Adopted by House	Adopted by Senate	OTHER PROCEEDINGS
1	"Authorizing the auditor to issue warrants for mileage and per diem of members, officers and attaches of the legislature."	16	16	40	16
2	<p>RESOLVED, That it is the sense of the legislature of West Virginia that the adoption by the United States of America of the proposed constitution for a league of nations would be unwise. That while we believe that an agreement should, if possible, be entered into limiting armament and otherwise tending toward the prevention of war, that we regard the proposed league of nations as an abandonment of the Monroe Doctrine and of our traditional policy of avoiding entangling alliances with European nations. That most of the provisions of the proposed constitution for a league are so vague and indefinite as to be occasions for future disputes and wars rather than aids to the preservation of peace; and that in general where the provisions of the said proposed constitution are clear they commit us to the performance of duties throughout the world, the assumption of which, on the part of this country would be most unwise. Be it further</p> <p>RESOLVED, That we approve the course of those United States senators who have expressed their unwillingness to ratify a treaty binding us to the provisions of the proposed constitution for a league of nations; and that a copy of these resolutions be furnished to each of the United States senators from West Virginia."</p>	18	53	89	44, 52, 53, 102.
3	"Authorizing the janitor of the capitol to employ, under the statute, additional help during the present extra session of the legislature."	41	42	226	
4	"Providing for the appointment, by the governor, of a committee to co-operate with the federal government relative to securing the location of a project or projects, in this state, in the event of the passage by congress of soldier settlement legislation."	81	100	155	161.
5	"Providing for the erection of permanent flagstuffs on the state house grounds."	97			
6	"Authorizing the Clerk of the Senate to secure photographs of the members of each House for the West Virginia bureau of archives and history."	128			
7	"Relating to the next United States loan."	142	143	155	157
8	"Raising a joint committee to wait upon the governor "	231	232	232	232

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
1	By Mr. Gribble: "A Bill to amend and re-enact section two of chapter one hundred and twenty-six of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to rate and manner of laying levies for taxation."	72		157	81, 147, 178, 204, 205
2	By Mr. Morton: "A Bill imposing a license tax upon persons, firms and corporations mining coal for the market and providing for the method and means of assessing, imposing and collecting the same."				
3	By Mr. Coalter: "A Bill to amend and re-enact chapter seventeen of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter eleven of the acts of one thousand nine hundred and thirteen, concerning hydro-electric or other companies producing or selling hydraulic or other power; authorizing such companies to exercise the right of eminent domain, defining and regulating the powers, rights, duties and obligations of such companies; regulating the building, operation and maintenance of dams across water streams, and all structures, works and property connected or used in connection therewith; providing for the utilization of wasted electrical energy, the conservation of resources and the use of the same for the development of the industries of the state for the national defense."				
4	By Joint Committee on State Police: "A Bill creating a department of state police, providing for the appointment of a superintendent, officers, and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."				
5	By Mr. Sanders: "A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."	51		163	62, 71, 80, 82, 145, 162, 164, 165, 169, 170.
6	By Mr. Chapman: "A Bill to raise additional revenue for general state purposes by imposing a license tax on persons, firms and corporations owning or holding land in excess to five thousand acres in West Virginia."				
7	By Mr. Arnold (by request): "A Bill to amend and re-enact section one of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen and section one hundred and twenty-a of chapter one hundred and two of the acts of the regular session of the legislature, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes on the manufacture and sale, at wholesale, of soft drinks."	160		183	161, 162, 170, 171, 172, 173, 174, 175, 176, 210, 211, 212, 217, 218, 219, 224, 225.

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
8	By Mr. Burgess: "A Bill authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district."				
9	By Joint Committee on the Virginia Debt: "A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."	79		200	79, 85, 86, 87, 89, 90, 91, 101, 102, 132, 143, 144, 155, 156, 157, 158, 159, 166, 167, 182, 199, 201, 202, 221, 222
10	By Mr. Luther: "A Bill to provide for additional revenue to the state treasury by fixing certain fees and taxes to be paid by individuals, partnerships and corporations exchanging reciprocal or inter-insurance contracts; placing the exchange of such contracts under the supervision of the state insurance commissioner; regulating and authorizing the exchange of such contracts by corporations and others, and providing penalties for the violation of this act."				
11	By Joint Committee on Primary Election Bills: "A Bill to provide for the nomination of candidates for office, the selection of executive and other party committees, repealing sections twenty-six-a-one to twenty-six-a-thirty-two, both inclusive, of chapter three of the code of West Virginia, and laws in conflict herewith."				
12	By Mr. Harman: "A Bill creating a state guard, providing for the appointment of officers and members thereof, and defining their powers and duties and fixing their compensation."				
13	By Mr. Arnold: "A Bill to authorize the purchase in the open market of the bonds of this state, issued in the settlement of West Virginia's part of the Virginia debt."	115		201	184, 185, 222.
14	By Mr. Duty: "A Bill to amend and re-enact chapter nine, of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."				
15	By Mr. Bloch: "A Bill to provide revenue for the state by levying a license tax on the operation of gas pumping stations and gas compressing stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such taxes, defining the duties of the said tax commissioner hereunder and regulating the operation of gas pipe lines, gas pumping plants and gas compressor stations."				

Bill Number	TITLE OF SENATE BILLS	Communicated to House	Reported from Committee	Passed House	OTHER PROCEEDINGS
16	By Mr. Duty: "A Bill imposing a special privilege tax on persons, partnerships, associations, companies and corporations, for the privilege of carrying on in this state the business of producing and selling natural gas, petroleum or rock oil, coal, sand, gravel, crushed stone, brick clay, fire clay, building or construction stone, and lumber, and providing for the ascertainment, assessment and collection of such tax."				
17	By Mr. Duty (by request): "A Bill" authorizing co-operation between the state department of agriculture and the United States department of agriculture and prescribing duties for assessors in relation thereto, and to secure a more perfect listing of agricultural land and products"	177		187	186, 204, 205
18	By Mr. Arnold: "A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budget Amendment.'"	181		210	206, 207, 208, 209, 223, 224.
20	"A Supplementary Bill making appropriations of public money to pay the per diem and mileage of members of the legislature for the first extraordinary session of one thousand nine hundred and nineteen and for salaries of the officers and attaches thereof, and miscellaneous expenses in connection therewith."	226		228	229, 230.
21	"A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment."	222		228	223, 231.

Number	TITLE OF SENATE CONCURRENT RESOLUTIONS	When Reported	Adopted by House	OTHER PROCEEDINGS
1	<p>"Providing for the appointment of a joint committee to wait upon the governor and notify him that the legislature is organized.</p> <p>"RESOLVED BY THE SENATE, THE HOUSE OF DELEGATES CONCURRING THEREIN:</p> <p>"That a committee of two on the part of the senate and three on the part of the house of delegates be appointed to jointly wait upon the governor and notify him that the legislature is now in special session pursuant to his proclamation, dated February 28, 1919, with a quorum of each house present, and awaits any communication he may desire to make. The members of said committee to be appointed respectively by the president of the senate and the speaker of the house of delegates."</p>	4	5	
2	<p>"Providing for the payment of mileage and per diem of members of the joint special committee appointed under Senate Concurrent Resolution No. 8, regular session to draft tentative bills for the payment of the Virginia debt judgment."</p>	54	66	79.
3	<p>"Providing for the payment of per diem and mileage of members of the joint special committee appointed under House Concurrent Resolution No. 15, regular session, to investigate and report on state police protection, and for the payment of sundry contingent expenses incurred by said committee."</p>	61	66	87, 88, 89.
4	<p>"Modifying, in certain respects, the distribution of the 1918 edition of the West Virginia Legislative Hand Book and Manual and Official Register."</p>	176	177	

Number	TITLE OF SENATE JOINT RESOLUTIONS	When Reported	Adopted by House	OTHER PROCEEDINGS
1	"Requesting the president of the United States and congress to consider the advisability of enacting laws permitting the use of the army of the United States, when necessary, for the preservation of order and the suppression of riots and insurrections in the several states.	51	84	82, 83.





JOURNAL OF THE HOUSE OF DELEGATES

SESSION 1919

CHARLESTON, W. VA.

WEDNESDAY, January 8, 1919.

The second Wednesday in January, being the day prescribed by the Constitution of the State for the regular biennial session of the Legislature, the session commenced this day.

The members elect of the House of Delegates, assembled in their hall at the Capitol, in the City of Charleston, at 12 o'clock, meridian, and were called to order by the Clerk.

Mr. Hall, the Delegate from the county of Wetzel, pursuant to section 24, of Article 6, of the Constitution, being the oldest member in point of service present, was called to the chair.

Prayer was offered by Rev. H. Blackhurst, a member-elect from the county of Pocahontas.

Hon. Houston G. Young, Secretary of State, appeared at the bar of the House, and presented the following communication:

January 8, 1919.

To The Honorable House of Delegates of the State of West Virginia:

I have the honor to submit the official returns of the election held on the Tuesday after the first Monday in November, 1918, for members of the House of Delegates of West Virginia, together with a list of the persons appearing thereby to have been elected.

Very respectfully,

HOUSTON G. YOUNG,

Secretary of State.

A list of the persons appearing to have been elected to the House of Delegates of West Virginia at the election held on the Tuesday after the first Monday in November, 1918.

For the county of Barbour, Artie F. Shomo.

For the county of Berkeley, Roy C. Grove.

For the county of Boone, Ernest E. Coon.

For the county of Braxton, J. W. Cosner and L. T. Harvey.

For the county of Brooke, Thomas J. Mahan.

For the county of Cabell, Nick Houvouras, O. W. Fitch, R. F. Brammer and T. S. Neale.

For the county of Calhoun, Kenna Lester.

For the county of Clay, P. M. Summers.

For the county of Doddridge, Geo. C. Howard.

For the county of Fayette, John V. Coleman, G. T. Bannister, G. R. Blizzard, and J. M. McVey.

For the county of Gilmer, F. N. Hays.

For the county of Grant, Geo. S. Vanmeter.

For the county of Greenbrier, A. B. C. Bray and J. S. Thurmond.

For the county of Hampshire, J. S. Kuykendall.

For the county of Hancock, J. W. Moulds.

For the county of Hardy, G. W. McCauley.

For the county of Harrison, John W. Fortney, Walter M. Morris, William E. Starcher, and George W. Sturm.

For the county of Jackson, M. L. Rankin and J. L. Wolfe.

For the county of Jefferson, M. O. Rouss.

For the county of Kanawha, Geo. W. McClintic, T. G. Nutter, Orville Hackney, B. J. Pettigrew, Geo. B. Hendricks, and Edward J. Clements.

For the county of Lewis, James Q. Musser.

For the county of Lincoln, John S. Pridemore.

For the county of Logan, Robert Bland.

For the county of Marion, Albert J. Kern, Judson R. Miller, and M. F. Hamilton.

For the county of Marshall, Everett F. Moore and Geo. W. Byrnes.

For the county of Mason, S. L. Parsons and Geo. W. McDermitt.

For the county of Mercer, A. F. Wysong, M. H. Pedigo and W. R. Godfrey.

For the county of Mineral, K. H. Stover.

For the county of Mingo, Rice Thomas.

For the county of Monongalia, William S. John and Frank M. Brand.

For the county of Monroe, Edgar L. Spangler.

For the county of Morgan, N. E. Perin.

For the county of McDowell, L. C. Anderson, C. C. Hale, W. J. McClaren, and H. J. Capehart.

For the county of Nicholas, Jettes Mollohan.

For the county of Ohio, William T. Otto, H. C. Richards, Harry A. Weiss, and S. A. Williams.

For the county of Pendleton, Gilbert Calhoun.

For the county of Pleasants, Joe Williams.

For the county of Pocahontas, H. Blackhurst.

For the county of Preston, E. V. Fortney and Leroy Shaw.

For the county of Putnam, C. W. Taylor.

For the county of Raleigh, W. H. Cunningham and E. C. Scott.

For the county of Randolph, James G. O'Connor and James Coberly.

For the county of Ritchie, B. R. Twyman.

For the county of Roane, A. M. Hersman and G. T. Sarver.

For the county of Summers, J. H. Hobbs.

For the county of Taylor, L. D. Vaughn.

For the county of Tucker, D. E. Cuppett.

For the county of Tyler, F. R. Hickman.

For the county of Upshur, John B. Hilleary.

For the county of Wayne, Chas. C. Peck and W. K. Ferguson.

For the county of Webster, J. A. Neal.

For the county of Wetzel, Septimius Hall and L. E. Lantz.

For the county of Wirt, W. T. Cox.

For the county of Wood, P. L. Jones, W. L. McPherson, and J. J. Swisher.

For the county of Wyoming, D. D. Moran.

Respectfully submitted,

HOUSTON G. YOUNG,

Secretary of State.

Which communication, accompanied by the certificate of election of members, was lodged with the Clerk.

Whereupon, all the persons whose names appear on the foregoing list of members elect, except Messrs. Clements, Cox, Moran, Perin and Vanmeter, appeared and qualified by taking and subscribing to the several oaths prescribed by Section 16 of Article 6 of the Constitution of the State of West Virginia.

The roll being called, the following answered to their names:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan,

Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wolfe and Wysong.

There being a quorum present, the next order of business, pending the organization of the House, being the election of a Speaker.

Mr. McClintic nominated J. L. Wolfe, a delegate from the county of Jackson.

Mr. Kuykendall nominated G. W. McCauley, a delegate from the county of Hardy.

On a call of the roll by the Clerk, those who voted for Mr. Wolfe were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Capehart, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wysong—64.

Those who voted for Mr. McCauley were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Neal (of Webster), O'Connor, Peck, Rouss, Summers, Thomas, Thurmond—23.

Mr. Wolfe on the roll call voted present.

Mr. Wolfe having received a majority of the votes cast, was declared duly elected Speaker of the House.

The Speaker *pro tempore* appointed Messrs. Anderson, Moore, Wysong and McCauley a committee to escort the Speaker-elect to the chair.

Thereupon, the committee escorted Mr. Wolfe to the Speaker's chair, when, after appropriate remarks, he took the oath of office prescribed by law.

The next order of business being the election of Clerk.

Mr. McClintic nominated C. L. Topping, of the county of Kanawha.

Mr. Coberly nominated R. L. Hamilton, of the county of Calhoun.

On a call of the roll by the Clerk, those who voted for Mr. Topping were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard Brand, Brammer, Byrnes, Capehart, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wolfe, Wysong—64.

Those who voted for Mr. Hamilton were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, McCauley, Neal (of Webster), O'Connor, Peck, Rouss, Summers, Thomas, Thurmond—24.

Mr. Topping having received a majority of the votes cast, was thereupon declared duly elected Clerk, and qualified by taking the oath of office required by law.

On motion of Mr. Hayes the election of Mr. Topping was made by acclamation.

The next order of business being the election of a Sergeant-at-Arms.

Mr. Richards nominated W. H. Curtis, of the county of Ohio.

Mr. Hall nominated John E. Kenna, of the county of Kanawha.

On a call of the roll by the Clerk, those who voted for Mr. Curtis were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Capehart, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott,

Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wolfe, Wysong—64.

Those who voted for Mr. Kenna were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, McCauley, Neal (of Webster), O'Connor, Peck, Rouss, Summers, Thomas, Thurmond—24.

Mr. Curtis having received a majority of the votes cast, was thereupon declared duly elected Sergeant-at-Arms, and qualified by taking the oath of office required by law.

The next order of business being the election of Doorkeeper.

Mr. Twyman nominated John H. Shriver, of the county of Ritchie.

Mr. Harvey nominated J. W. Kidd, of the county of Braxton.

On a call of the roll by the Clerk, those who voted for Mr. Shriver were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Capehart, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wolfe, Wysong—64.

Those who voted for Mr. Kidd were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, McCauley, Neal (of Webster) O'Connor, Peck, Rouss, Summers, Thomas, Thurmond—24.

Mr. Shriver having received a majority of the votes cast, was declared duly elected Doorkeeper of the House.

On motion of Mr. McClintic the following resolution was adopted:

Resolved, that the Speaker appoint a committee of three to inform the Senate that the House of Delegates has organized by the Election J. L. Wolfe as Speaker and C. L. Topping as Clerk and is ready to proceed with the business of the session.

Whereupon,

The Speaker named as such committee Messrs. McClintic, Anderson and McCauley.

Mr. Moran, delegate-elect from the county of Wyoming, appeared and qualified by taking and subscribing to the several oaths prescribed by Section 16 of Article 6 of the Constitution of the State of West Virginia.

A message from the Senate by Messrs. Sanders and Fox informed the House that the Senate was organized and ready to proceed to business.

A message from the Senate by Mr. Cobun announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 1 — Raising a joint committee to wait upon the Governor.

And asked the concurrence of the House therein.

On motion of Mr. John the following resolution was adopted:

Resolved, that the Rules of the House of Delegates and the joint rules of the Senate and House of Delegates adopted at the Regular Session of 1915 be the rules for the guidance of this House until otherwise ordered.

Mr. Weiss offered the following resolution:

Resolved, that the Speaker be and he is hereby authorized and directed to appoint a Committee on Elections and Privileges to consist of eleven members of this House.

On motion of the same gentleman, the Rules were suspended, the resolution was taken up for immediate consideration and adopted.

Mr. Pettigrew offering the following resolution:

Resolved, that the certificates and returns of the election of the members of this House, this day transmitted to the House by the Secretary of State, be and they are hereby referred to the Committee on Privileges and Elections.

On motion of the same gentleman, the Rules were suspended, the resolution was taken up for immediate consideration and adopted.

SENATE CONCURRENT RESOLUTION No. 1—Raising a joint committee to wait upon the Governor.

Resolved, By the Senate, the House of Delegates concurring therein; That a joint committee be appointed, two by the President of the Senate and three by the Speaker of the House of Delegates, to wait upon the Governor and inform him that the Legislature is

organized with a quorum present and is ready to receive any communication he may be pleased to make.

Was taken up for consideration and concurred in.

Thereupon,

The Speaker appointed, as the committee under the resolution, Messrs. John, Moore and Kuykendall.

Ordered, that Mr. Neale (of Cabell), communicate to the Senate the concurrence of the House in the adoption of the resolution (S. C. R. No. 1). Subsequently, Mr. Moore, from the joint committee to wait upon the Governor and inform him that the two Houses have assembled in their respective halls, the duty assigned to it, and the Governor would communicate in writing to the two Houses.

Mr. James W. Weir, Private Secretary to the Governor, appeared at the bar of the House and presented the message of the Governor.

Thereupon,

The Speaker laid before the House the said message and directed that it be read by the Clerk.

After the message had been read in part,

On motion of Mr. Moore, the further reading thereof was dispensed with and the message was ordered printed in the Journal.

(SEE APPENDIX A)

Mr. Pedigo offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 1—*Resolved* by the House of Delegates of West Virginia, the Senate concurring therein.

First: That the Legislature of West Virginia has heard with deepest sorrow of the death of Colonel Theodore Roosevelt, twenty-sixth president of the United States, and one of the most remarkable and distinguished personages of this or any other age. By the force of his great intellect and unconquerable will he held for a quarter of a century, until the day of his death, a place in the minds and hearts of the American people, seldom, if ever, previously filled. His death is a distinct and irreparable loss to the country.

Second: That the Clerk of this House transmit a copy of these resolutions to the bereaved widow.

Mr. McVey offered the following resolution:

Resolved, that the Sergeant-at-Arms of this House be directed to have placed American flags at half mast on the two flag staffs on this building, and the flags to remain at half mast for ten days in respect to one of America's greatest and most beloved sons, Ex-

President Theodore Roosevelt, whose death occurred at his home at Oyster Bay, New York, on Monday, January 6th, and whose obsequies are to be held this day.

On motion of the same gentleman, the Rules were suspended, the resolution was taken up for immediate consideration and adopted.

Mr. McClintic stated to the House that Mr. Clements, one of the members-elect from the county of Kanawha, is prevented by illness from being present.

On motion of Mr. McClintic the House adjourned.

THURSDAY, JANUARY 9, 1919.

The House met at 10 o'clock A. M.

Prayer by Rev. Harvey, a member from the county of Braxton.

Pending the reading of the Journal of yesterday, .

On motion of Mr. John, the further reading thereof was dispensed with.

A message from the Senate by Mr. Harmer announced the adoption by that body of,

SENATE JOINT RESOLUTION No. 1.—Ratifying the proposed amendment to the Constitution of the United States prohibiting the manufacture, sale or transportation of intoxicating liquors, with the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes.

Whereas, The Sixty-fifth Congress of the United States of America, at its second session, in both houses, by a Constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

JOINT RESOLUTION—Proposing an Amendment to the Constitution of the United States.

Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein):

That the following amendment to the Constitution be and hereby is proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

ARTICLE —.

SECTION 1—After one year from the ratification of this Article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2—The Congress and the several States shall have concurrent power to enforce this Article by appropriate legislation.

SEC. 3—This Article shall be inoperative unless it shall have been ratified as an Amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission to the States by the Congress;

Therefore,

Be it Resolved, by the Legislature of West Virginia:

That the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of West Virginia to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States.

And asked the concurrence of the House therein.

On motion of Mr. John, unanimous consent being given, the resolution (S. J. R. No. 1) was taken up for immediate consideration.

On the further motion of the same gentleman, reference of the resolution to a committee was dispensed with, and the resolution ordered to be read the first time.

The resolution was then read the first time and ordered to its second reading.

On motion of Mr. John, the Constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On dispensing with the Constitutional rule, the ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintric, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wolfe, Wysong—77.

The noes were:

Messrs. Capehart, Coberly, Hays, Lantz, McCauley and Richards—6.

Absent and not voting:

Messrs. Bannister, Clements, Cox, Fortney (of Harrison), Lester, Mollohan, Perin, Rankin, Vanmeter and Williams (of Ohio)—10.

The Constitutional rule requiring the resolution to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by ayes and noes,

On the further motion of the same gentleman the resolution was read a second time.

The Constitutional rule requiring the resolution to be fully and distinctly read on three different days having been dispensed with and the resolution having been engrossed,

On further motion of the same gentleman, the resolution was then fully and distinctly read the third time and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintric, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore,

more, Rankin, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Williams (of Pleasants), Wolfe, Wysong—87.

The noes were:

Messrs. Otto, Richards and Weiss—3.

Absent and not voting:

Messrs. Bannister, Clements, Coberly, Cox, Hays, Lester, Perin, Vanmeter and Williams (of Ohio)—9.

So, two-thirds of all the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution adopted.

Ordered, That Mr. John communicate to the Senate the concurrence by the House in the adoption of the resolution (S. J. R. No. 1).

Mr. McClintic, unanimous consent being given, submitted the following resolution:

HOUSE CONCURRENT RESOLUTION No. 2.—Providing for the purchase of codes of West Virginia by the Secretary of State.

Resolved, by the House of Delegates, the Senate concurring therein: That the Secretary of State be, and he is hereby, authorized and empowered to immediately purchase 140 copies of the code known as the "West Virginia Code" or "Hogg's Code of 1913" and the supplement thereto.

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Ordered, That Mr. McClintic communicate to the Senate its adoption and request concurrence therein.

Mr. J. H. Shriver having on yesterday received a majority of the votes cast for Doorkeeper of the House, appeared at the bar of the House and qualified by taking the oath of office required by law.

On motion of Mr. Pettigrew the House adjourned until Monday, January 13th, at 10 o'clock A. M.

MONDAY, JANUARY 13, 1919.

The House met at 10 o'clock A. M.

Prayer by Rev. J. M. Knight of the United Brethern church Charleston, W. Va.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Mr. Perin, the delegate-elect from the county of Morgan, appeared and qualified by taking and subscribing to the several oaths prescribed by section sixteen of article six of the constitution of the state of West Virginia.

The following appointments by the Speaker of standing committees of the House were announced by the Clerk:

ON ELECTIONS AND PRIVILEGES.

Messrs. Cuppett, (*Chairman*), Richards, Moran, Clements, Hickman, Scott, Williams, (of Pleasants), Blizzard, Bland, Moore, Peck.

JUDICIARY COMMITTEE.

Messrs. Moore, (*Chairman*), John, Cuppett, Anderson, McClintic, Fortney, (of Preston), Hackney, Richards, Scott, Moran, Nutter, Kuykendall, McCauley, Kern, Coberly.

ON FEDERAL RELATIONS.

Messrs. Scott, (*Chairman*), Godfrey, Coon, Fitch, Blizzard, Kuykendall, Starcher, Hackney, Pedigo, Otto, Swisher, Thurmond, Ferguson, Calhoun, Hamilton.

ON TAXATION AND FINANCE.

Messrs. Parsons, (*Chairman*), Williams, (of Ohio), Grove, Byrnes, Hersman, Houvouras, Perin, Pedigrew, Swisher, Twyman, Hickman, Capehart, Bray, Hall, Hayes.

ON MILITARY AFFAIRS.

Messrs. Moran, (*Chairman*), Hilleary, Richards, McDermitt, Anderson, Fortney, (of Harrison), Cunningham, Musser, Weiss, Twyman, Hobbs, Peck, Lantz, Hall, Kern,

ON PROHIBITION AND TEMPERANCE.

Messrs. Neale, (of Cabell), (*Chairman*), Blackhurst, Parsons, Rankin, Pedigo, John, Hobbs, Mahan, Morris, Twyman, Sarver, Harvey, McCauley, O'Connor, Ferguson.

ON EDUCATION.

Messrs. Sarver, (*Chairman*), Brammer, Anderson, Coon, Cuppett Hackney, Hayes, Howard, Kern, Kuykendall, McDermitt, McPherson, Rankin, Summers, Williams, (of Pleasants).

ON COUNTIES, DISTRICTS AND MUNICIPAL CORPORATIONS.

Messrs. Otto, (*Chairman*), Neale, (of Cabell), Neal, (of Webster) Vaughn, Vanmeter, Blackhurst, Brand, Cox, Ferguson, Hall, Hamilton, Hilleary, Hobbs, Jones, Mahan.

ON PRIVATE CORPORATIONS AND JOINT STOCK COMPANIES.

Messrs. Wysong, (*Chairman*), Weiss, Perin, Rouss, Neal (of Webster), Blizzard, Bray, Cuppett, Hackney, Hale, Hickman Houvouras, John, Moran, McCauley.

ON ROADS AND INTERNAL NAVIGATION.

Messrs. Swisher, (*Chairman*), McClaren, Neale, (of Cabell), Otto Pridemore, Spangler, Taylor, Ferguson, Godfrey, Hickman, Hilleary Lantz, Lester, Miller, Moran.

ON FORFEITED AND UNAPPROPRIATED LANDS.

Messrs. Rankin, (*Chairman*), Grove, Howard, Vanmeter, Starcher Nutter, Pettigrew, Musser, Pridemore, Wysong, Brand, Lester, Summers, Hayes, Bland.

ON CLAIMS AND GRIEVANCES.

Messrs. Blackhurst, (*Chairman*), Anderson, McClintic, Scott Moore, John, Cuppett, Richards, Moran, Capehart, Bland, Kern Kuykendall, McCauley, Fortney, (of Preston).

ON HUMANE INSTITUTIONS AND PUBLIC BUILDINGS.

Messrs. Perin, (*Chairman*), Brand, Shaw, Capehart, Wysong, Pridemore, Fitch, Hendricks, Cox, Coon, Vanmeter, Lantz, Neal, (of Webster), Thurmond, Summers.

ON PRINTING AND CONTINGENT EXPENSES.

Messrs. Hickman, (*Chairman*), Shomo, Bannister, Vanmeter, Sturm, Rankin, Pridemore, Moore, Wysong, Stover, Hale, Hayes, Lester, Cosner, Thomas.

ON THE EXECUTIVE OFFICES AND LIBRARY.

Messrs. Williams, (of Pleasants), (*Chairman*), Coon, Mahan, Brammer, Howard, McVey, Hackney, Perin, Capehart, Weiss, Twyman, Cosner, Hayes, McCauley, Calhoun.

ON FORESTRY AND CONSERVATION.

Messrs. Spangler, (*Chairman*), Vaughn, Cox, Hersman, Jones, Taylor, Blackhurst, Morris, Moulds, Coleman, Fortney, (of Preston), Bray, Mollohan, Coberly, Neal, (of Webster).

ON ARTS, SCIENCE AND GENERAL IMPROVEMENTS.

Messrs. Grove, (*Chairman*), McPherson, Cunningham, Shaw, Taylor, McClaren, John, Byrnes, McClintic, Williams, Cuppett, Lance, Miller, Rouss, Thomas.

ON THE PENITENTIARY.

Messrs. Byrnes, (*Chairman*), Neale, (of Cabell), Mahan, Coleman, Moulds, Cox, Pridemore, Shaw, Morris, Hilleary, Lester, Hamilton, Harvey, Richards, Thomas.

ON MINES AND MINING.

Messrs. Hale, (*Chairman*), McVey, Shomo, Vaughn, Thomas, Thurmond, Bland, Byrnes, Clements, Cunningham, Cuppett, Fortney, (of Preston), John, Miller, Moran.

ON IMMIGRATION AND AGRICULTURE.

Messrs. Williams, (of Ohio), (*Chairman*), Hersman, McDermitt, Rouss, Shaw, Shomo, Sturm, Taylor, Calhoun, Cox, Hobbs, Jones, Lantz, Mollohan, Musser.

ON STATE BOUNDARIES.

Messrs. Fortney, (of Preston,) (*Chairman*), Coon, Fitch, Morris, Moulds, Musser, Taylor, Blackhurst, Hobbs, Cox, Swisher, Coberly, Harvey, Lester, Calhoun.

ON RAILROADS.

- Messrs. John, (*Chairman*), McPherson, McClintic, Peck, O'Connor, Stover, Thomas, Bannister, Calhoun, Capehart, Fortney, (of Harrison), Godfrey, Grove, Moulds, Hobbs.

ON LABOR.

Messrs. Stover, (*Chairman*), Blizzard, Coleman, Coon, Fitch, Hendricks, Lester, Moulds, O'Conner, Pettigrew, Shaw, Starcher, Summers, Weiss, Wysong.

ON MEDICINE AND SANITATION.

Messrs. Howard, (*Chairman*), Cunningham, McVey, Pedigo, Rankin, Brammer, Hendricks, Hilleary, Morris, Coleman, Mollohan Harvey, Hamilton, Cosner, Coberly.

GAME AND FISH.

Messrs. McClintic, (*Chairman*), Bannister, Grove, Musser, Morris, Blackhurst, Parsons, Williams, Houvouras, Spangler, Perin, Coberly, Hamilton, Rouss, Calhoun.

ON INSURANCE.

Messrs. Sturm, (*Chairman*), Mahan, Brand, Cox, Nutter, Starcher, Twyman, McVey, Williams, (of Pleasants), Miller, Hall, Peck, Scott, Thurmond, Thomas.

ON RULES.

Messrs. Wolfe, Speaker, (*Chairman*), Swisher, McVey, McClintic, Kuykendall, Hayes, Weiss.

Mr. McClintic offered the following resolution:

Resolved, That the Secretary of State be and he is hereby respectfully requested to furnish each member of this House with copies of the acts of the legislature for the years one thousand nine hundred and fifteen and one thousand nine hundred and seventeen and the journal and bills of the Senate and House of the last regular and special sessions of the legislature.

On motion of the same gentlemen, the rules were suspended, and the resolution was taken up for immediate consideration and adopted.

Mr. Bray presented the petition of the Rainelle Methodist Episcopal church, of Rainelle, W. Va., praying for the ratification of the National prohibition resolution and the strengthening of the Yost law.

Referred to the Committee on Temperance and Prohibition.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Anderson:

House Bill No. 1—"A Bill to amend and re-enact section five of chapter one hundred and thirty-seven of the code relating to commissioners of courts and commissioners of accounts and the fees to be paid for their services."

Referred to the Committee on the Judiciary.

By Mr. Wysong :

House Bill No. 2—"A Bill amending and re-enacting sections one, two and three of chapter seventeen of Barnes' code of one thousand nine hundred and eighteen, and adding section three-a relating to depository bonds and the collecting, depositing and safeguarding all moneys collected by the State, and prohibiting the treasurer from owning any stock in, or being a stockholder or officer in any depository during his term of office."

Referred to the Committee on the Judiciary.

By Mr. Wysong :

House Bill No. 3—"A Bill amending and re-enacting section twelve of chapter ten of Barnes' code of one thousand nine hundred and eighteen, relating to the bonds of state officers."

Referred to the Committee on the Judiciary.

By Mr. Richards :

House Bill No. 4—"A Bill to repeal chapter thirty-seven of the acts of the legislature of one thousand nine hundred and seventeen, entitled 'An act to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote'."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 5—"A Bill to amend chapter one hundred twenty of the code, by adding thereto section nine, relating to the duties of prosecuting attorneys."

Referred to the Committee on the Judiciary.

And,

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hoggs' code of one thousand nine hundred and thirteen."

Referred to the Committee on the Judiciary.

By Mr. Morris :

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add section seven, eight, nine and ten thereto."

Referred to the Committee on the Judiciary.

By Mr. Parsons :

House Bill No. 8—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property', twenty-nine, all of sub-division 'd' and 'e' in thirty- forty, forty-one, and forty-nine of chapter forty-five, and sections thirty, thirty-one, and thirty-one-a of chapter forty-seven of the West Virginia code, one thousand nine hundred and sixteen, and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the West Virginia code, one thousand nine hundred and sixteen, relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring

of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund”.

Referred to the Committee on Taxation and Finance.

By Mr. Swisher :

House Bill No. 9—“A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen”.

Referred to the Committee on the Judiciary.

By Mr. Hersman :

House Bill No. 10—“A Bill relating to pure drinking water for live stock in transit”.

Referred to the Committee on Immigration and Agriculture.

By Mr. Hamilton :

House Bill No. 11—“A Bill to amend, revise and consolidate into one act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, ‘An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county,’ and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five, February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington”.

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. Sarver :

House Bill No. 12—“A Bill to amend and re-enact sections twenty-eight, thirty-three and ninety-three of chapter forty-five of the code of West Virginia, relating to the salaries of teachers, compensation of members of the board of education and the issuance of state life certificates”.

Referred to the Committee on Education.

By Mr. Pettigrew :

House Bill No. 13—“A Bill providing for the unauthorized use of vehicles”.

Referred to the Committee on Roads and Internal Navigation.

By Mr. Cunningham :

House Bill No. 14—"A Bill pertaining to the public health".

Referred to the Committee on Medicine and Sanitation.

By Mr. Capehart :

House Bill No. 15—"A Bill to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution".

Referred to the Committee on Humane Institutions and Public Buildings.

By Mr. Howard :

House Bill No. 16—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state".

Referred to the Committee on Education.

By Mr. Kern :

House Bill No. 17—"A Bill to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion".

Referred to the Committee on the Judiciary.

By Mr. Kern :

House Bill No. 18—"A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."

Referred to the Committee on the Judiciary.

By Mr. Nutter :

House Bill No. 19—"A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution.

Referred to the Committee on Humane Institutions and Public Buildings.

And,

House Bill No. 20—"A Bill to amend and re-enact chapter thirty-one of the code of West Virginia, relating to the sale of real estate".

Referred to the Committee on the Judiciary.

By Mr. Blizzard :

House Bill No. 21—"A Bill to amend and re-enact section forty-seven of chapter fifteen-h of the code of West Virginia (Barnes

Edition) one thousand nine hundred and sixteen relating to the weighing of coal".

Referred to the Committee on Mines and Mining.

And,

House Bill No. 22—"A Bill to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor or his deputies; by providing for a woman inspector to assist with its enforcement; by prescribing penalties for violations thereof; by defining the procedure in prosecutions".

Referred to the Committee on Labor.

By Mr. Rankin :

House Bill No. 23—"A Bill to provide for the payment of the salary of public school teachers and to fix the levy for public school purposes".

Referred to the Committee on Education.

By Mr. McClintic :

House Bill No. 24—"A Bill to amend and re-enact section three of chapter sixty-five of the code of West Virginia, relating to dower, jointure and courtesy".

Referred to the Committee on the Judiciary.

Also,

House Bill No. 25—"A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred forty-two-a of Hogg's code, providing for the establishment and location of a miners hospital in the town of St. Albans, in the county of Kanawha, which shall be known as Miners' Hospital No. 4".

Referred to the Committee on Taxation and Finance.

Also,

House Bill No. 26—"A Bill to amend and re-enact chapter forty-seven of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, in relation to the authentication and record of maps".

Referred to the Committee on the Judiciary.

Also,

House Bill No. 27—"A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine, of the code of West Virginia, Barnes edition one thousand nine hundred and sixteen, relating to discharge of persons indicted for felony upon failure of state to try".

Referred to the Committee on the Judiciary.

Also,

House Bill No. 28—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine and sections nineteen, twenty-six, thirty-one, forty-four and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forests and streams."

Referred to the Committee on Game and Fish.

Also,

House Bill No. 29—"A Bill to cure defective titles and conveyances under the forfeiture and tax laws because of the want of a seal to the instrument purporting to convey or transfer the title."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 30—"A Bill to amend and re-enact section twenty-three of chapter seventy-two, of the acts of one thousand nine hundred and fifteen, being section twenty-three of chapter one hundred thirty-one of Barnes' code of one thousand nine hundred and sixteen."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 31—"A Bill to amend and re-enact section six of chapter one hundred and thirty-nine of the code of West Virginia, as last amended and re-enacted by chapter forty-seven of the acts of one thousand nine hundred and nine, in relation to judgement liens."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 32—"A Bill to amend and re-enact chapter one hundred and thirty-nine of the code of West Virginia, by adding thereto a new section, so as to require, for the protection of purchasers for valuable consideration, a notice to be filed of the pen-

gency of every action in ejectment, suit or proceeding at law or in equity which affects the title to real estate."

Referred to the Committee on the Judiciary.

And,

House Bill No. 33—"A Bill to amend chapter one hundred and thirty of the code of West Virginia relating to Evidence and Witnesses, by adding thereto an additional section to be numbered forty-eight, so as to provide that when the land described in a patent, deed or other document is subject to an exception or reservation of any part or parts thereof, it shall be presumed, when the same is offered in evidence in any action, suit or proceeding at law or in equity involving the trial or determination of title to real estate or any interest therein, that the land or interest therein in controversy is not included in any such excepted or reserved part or parts."

Referred to the Committee on the Judiciary.

By Mr. McPherson :

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."

Referred to the Committee on Immigration and Agriculture.

By Mr. Miller:

House Bill No. 35—"A Bill authorizing the board of education of Union Independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."

Referred to the Committee on Education.

By Mr. Pettigrew :

House Bill No. 36—"A Bill to amend sections six, sixteen and forty-four of chapter forty-six-a of the code of West Virginia, relating to the care of dependent, neglected or delinquent children."

Referred to the Committee on the Judiciary.

And,

House Bill No. 37—"A Bill to retain and continue the lien of garage keepers, automobile repairmen or bailees of motor vehicles."

Referred to the Committee on the Judiciary.

By Mr. Anderson :

House Bill No. 38—"A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature

of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."

Referred to the Committee on the Judiciary.

And,

House Bill No. 39—"A Bill to amend and re-enact section four of chapter ninety-six, serial section number four thousand one hundred and sixty-three of the code of West Virginia, one thousand nine hundred and thirteen, fixing the rate of interest that may be charged for the loan or forbearance of money or other thing."

Referred to the Committee on the Judiciary.

By Mr. Anderson :

House Bill No. 40—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, and to re-number the sections thereof; and to amend and re-enact sections three, four and ten of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

Referred to the Committee on Education. —

By Mr. Wysong :

House Bill No. 41—"A Bill establishing a building code, regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."

Referred to the Committee on the Judiciary.

By Mr. Jones :

House Bill No. 42—"A Bill providing for the jurisdiction of justice of the peace."

Referred to the Committee on the Judiciary.

On motion of Mr. Weiss, the House recessed until 2 o'clock P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. McClintic, from the Committee on Rules, submitted the following resolution:

Resolved, That the Speaker of the House be and he is hereby authorized to appoint for the House of Delegates, committee clerks, floor pages, journal pages and other attaches, each to be paid as follows:

Fifteen committee clerks, each to receive the pay of four dollars per day, except the clerks of the Committee on Taxation and Finance and the Committee on Judiciary, who shall each receive the pay of six dollars per day.

Ten floor pages, each to receive the pay of three dollars per day.

One chief journal page, who is to receive the pay of four dollars per day, and three assistant journal pages to receive the pay of three dollars per day each.

One mailing and banking page, to receive the pay of four dollars per day.

One assistant Sergeant-at-Arms to receive the pay of five dollars per day.

Four cloak room attendants, each to receive the pay of four dollars per day.

One toilet room attendant, to receive the pay of four dollars per day.

One night watchman to receive the pay of four dollars per day.

One assistant door-keeper to receive the pay of four dollars per day.

Two-gallery door keepers, each to receive the pay of three dollars per day.

Four stenographers for the House, each to receive the pay of six dollars per day.

One day watchman to receive the pay of four dollars per day.

One stenographer to the Committee on Taxation and Finance, to receive the pay of six dollars per day.

One stenographer to the Committee on the Judiciary, to receive the pay of six dollars per day.

One librarian, to receive the pay of four dollars per day.

Be it Further Resolved, That the private secretary and the stenographer to the Speaker of the House shall each receive the pay of six dollars per day.

Be it Further Resolved, That the stenographers to the House occupy such place or places as designated by the Speaker, and that each of the aforesaid attaches shall report to the Sergeant-at-Arms at 9 o'clock each morning during the session, and that the Sergeant-at-Arms shall keep an accurate register showing the presence or absence of each of said attaches.

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

Mr. McClintic from The Committee on Rules, submitted the following resolution:

Resolved, That the Clerk of the House of Delegates be, and he is hereby, authorized to appoint for the House of Delegates, in addition to the three assistant clerks provided for by section eighteen of chapter twelve of the code, the following designated assistants, six of whom, which are to be designated by the Clerk of the House, shall receive the pay of eight dollars (\$8.00) per day, and the remainder of said clerks, stenographers and assistants to receive the pay of six dollars (\$6.00) per day and the page to receive the same pay as floor pages of the House,

One reading clerk.

Two desk clerks.

Four printing clerks.

One bill record clerk.

One assistant bill record clerk.

One supervisor of printing.

One bill editor.

One journal editor.

One bill receipt clerk.

Three stenographers.

One calendar clerk.

One stenographer to the clerk.

One page.

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

Mr. Clements, a delegate-elect from the county of Kanawha, appeared and qualified, by taking and subscribing to the several oaths prescribed by section sixteen of article six of the constitution of the state of West Virginia.

Mr. Moore, chairman of the Judiciary Committee, submitted the following resolution:

Resolved, That the Secretary of State be and he is hereby authorized to furnish for the use of the Committee on the Judiciary of the House of Delegates, Hogg's code of one thousand nine hundred and thirteen, copies of the acts of one thousand nine hundred and nine, one thousand nine hundred and eleven, one thousand nine hundred and thirteen, one thousand nine hundred and fifteen and one thousand nine hundred and seventeen; bound copies of the journal of the House for the years one thousand nine hundred and fifteen and one thousand nine hundred and seventeen. Also a complete set of West Virginia Reports, together with a typewriter. All of which are to be returned to the Secretary of State at the end of the session.

On motion of the same gentleman, the rules were suspended and the resolution was taken up for immediate consideration and adopted.

On motion of Mr. McClintic, the House adjourned.

TUESDAY, JANUARY 14, 1919.

The House met at 10 o'clock A. M.

Prayer by Rev. Rankin, a member from the county of Jackson.

Pending the reading of the journal of yesterday,

On motion of Mr. Groves, the further reading thereof was dispensed with.

Mr. John, Chairman of the Committee on Railroads, resigned, and the Speaker designated Mr. McPherson, the ranking member thereof, to act as Chairman of said Committee.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 1—"A Bill to amend and re-enact section five of chapter one hundred and thirty-seven of the code relating to commissioners of courts and commissioners of accounts and the fees to be paid for their services."

Also,

House Bill No. 38—"A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."

Also,

House Bill No. 4—"A Bill to repeal chapter thirty-seven of the acts of the legislature of one thousand nine hundred and seventeen, entitled 'An act to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote'."

And,

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hogg's code of one thousand nine hundred and thirteen."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 42—"A Bill providing for the jurisdiction of justice of the peace."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 42, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia or one thousand nine hundred and thirteen."

And report the same back with the recommendation that it be referred to the Committee on Insurance.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Shomo, by request, introduced the following petition:
To the House of Delegates of West Virginia:

The undersigned hereby charge that George C. Sturgiss, judge of the Twenty-Third Judicial Circuit of West Virginia, is guilty of

unlawful acts, conduct and behavior in office, constituting offences, which we believe should be investigated by the Legislature of West Virginia, some of which acts, conduct and behavior are set forth in those three certain prohibition proceedings, lately pending in the Supreme Court of Appeals of West Virginia, each styled "John C. Price et al., Petitioners vs. In Prohibition, George C. Sturgiss, Judge, et al., Respondents" and numbered respectively 3506, 3576 and 3622, and other of which said acts, conduct and behavior are set forth in the record of certain cases pending, or lately pending in the Circuit Court of said Twenty-Third Judicial Circuit, and being the Circuit Court of Monongalia county, West Virginia, and a list of said cases duly attested by John Shriver, Clerk of said Circuit Court, is hereto attached as a part hereof.

Briefly summarized, some of the acts, conduct and behavior in office of the said George C. Sturgiss, constituting offences set forth in said three prohibition proceedings above styled are:

1. While holding the office of such judge, he accepted employment from the Morgantown and Wheeling Railway Company at the rate of five thousand (\$5,000.00) dollars per year, under a contract in writing, designating him as assistant to the president, and performed legal services for said company.

2. While holding the office of such judge, he certified that it was improper for him to act as judge in the chancery cause of David E. Lemley et al., vs. Morgantown and Wheeling Railway Company et al., then and now pending in the Circuit Court of Monongalia County, and shortly thereafter, in his answer under oath, filed in said cause, swore that he had no interest in said chancery cause, and shortly thereafter, entered a decree in said cause declaring that he was so interested in the result of said suit as to disqualify and prohibit him from taking cognizance thereof; and further while holding the office of such judge, and at the time he filed his answer in the above styled chancery cause, stating under oath, that he did not have any interest in said chancery cause and the result thereof, he, in truth and in fact, held a bond of the Morgantown and Wheeling Railway Company, of the par value of One Thousand (\$1,000.00) Dollars, for which he afterwards accepted the note of David E. Lemley and others for One Thousand One Hundred and Seventy (\$1,170.00) Dollars.

3. While holding the office of such judge, he made a verbal proposal to commissioners of the County Court of Monongalia County that they consent to his appointment as special receiver of

the property as the Morgantown and Wheeling Railway Company, and submitted to said commissioners the form of a decree in writing which he requested that said county commissioners consent and agree to as the decree to be entered in the chancery cause of David E. Lemley et al., vs. Morgantown and Wheeling Railway Company et al., then and now pending in said Circuit Court, and in which said County Court then was, and now is, a party defendant, and that said proposed decree, provided, among other things, that he, as such special receiver, should receive for his services an amount of money equal to ten (10) per cent of all the receivers certificates to be issued and sold under such decree, or any future decree of said Circuit Court entered in said cause.

4. While holding the office of such judge, he submitted an offer and proposal in writing to the County Court of said Monongalia county, whereby he offered to take and accept an option from said County Court to purchase Three Hundred and Twenty Five Thousand (\$325,000.00) Dollars of the first mortgage bonds of said Morgantown and Wheeling Railway Company, then and now held by said County Court, for Morgan and Clay Magisterial districts of said county at the price of forty (40) percent of the face value of said bonds; that all of the property and assets of said railway company then was in the hands of a special receiver theretofore appointed in said chancery cause, to which the said County Court then was a party defendant, and he then and there requested the County Court to consent and agree to said offer and proposal.

5. While holding the office of such judge, he procured certain members of the Bar of Monongalia county to circulate a petition addressed to said County Court, praying that said court make an order allowing him the sum of One Thousand Seven Hundred (\$1,700.00) Dollars a year as additional salary as such judge, that said petition was signed by most, if not all, of the members of the Bar of said county, and was presented by a committee of the members of said Bar to said County Court.

He then prepared and procured to be presented to said County Court the form of an order making such allowance, and said court did allow him the sum of Seven Hundred (\$700.00) Dollars a year, and thereupon the said Sturgiss prepared and had presented to the grand jury, at a regular term of said Circuit Court, a written charge against the commissioners of said County Court, charging them with having attempted to offer him a bribe, and to improperly influence

him in the performance of his judicial duties, in entering the order making him the said allowance of Seven Hundred (\$700.00) Dollars a year.

6. While holding the office of such judge, and after the County Court of said county had refused to agree to the entry of a decree appointing him special receiver of the property of the Morgantown and Wheeling Railway Company, and after the said County Court had refused to option the bonds of said railway company to the said Sturgiss, and after the said County Court had refused to enter an order allowing the said Sturgiss an additional salary of One Thousand Seven Hundred (\$1,700.00) Dollars, the said Sturgiss repeatedly attempted to induce persons and grand juries of said county to prefer charges against the commissioners and members of said County Court, and repeatedly said that if some one would prefer charges against the members of said County Court that he would remove them from office; that notwithstanding such threats, and the fact that he did procure charges to be brought against the members of said County Court by successive grand juries, and notwithstanding his personal enmity and hostility toward the members of said County Court, he insisted on sitting, and prepared to sit in judgment, on the charges so procured by him, and he was only prevented from so doing by successive writs of prohibition issued and made absolute by the Supreme Court of Appeals, as will more fully appear from the record of the prohibition proceedings hereinbefore cited.

7. While holding the office of such judge, he made and entered an order in the Circuit Court of said county, increasing the salary or compensation of the official reporter of the Circuit Court of the Twenty-Third Judicial Circuit, with the intent and for the purpose of diverting and applying the increase thereof to the purchase of law books for the Morgantown Law Library Association for which he had given his note.

8. While holding the office of such judge, he caused a married woman to be incarcerated in the jail of Monongalia county, without any charges being preferred against her, and without any warrant for her arrest, and caused her to be held in said jail for the space of several days, without ever having made any record thereof.

9. While holding the office of such judge, he arbitrarily removed from office two of the most capable and efficient commissioners in chancery of the Circuit Court of Monongalia county because said

commissioners had voted for certain resolutions adopted by the Bar of Monongalia County, and which resolutions are hereto appended, and made a part hereof.

10. While holding the office of such judge, he made and entered an order in vacation, in the case of the State of West Virginia against Wade Mayfield, charged with having committed rape on an infant, under fourteen years of age, in which he placed upon the record of said Circuit Court statements and allegations, based on information which the order recites was not under oath, that the said infant "was reputed and generally believed to be a lewd and indecent girl, to have wilfully had sexual intercourse with other persons than the said Johnson and said Mayfield, and had repeatedly solicited young men to have sexual intercourse with her prior to the date of the arrest of said Johnson and said Mayfield," which order was made and entered in the absence of the said infant.

While holding the office of such judge, he arbitrarily and unlawfully refused to enter suspending orders, and orders giving litigants time in which to apply for appeal to the Supreme Court of Appeals of West Virginia.

As further showing acts, conduct and behavior in office, constituting offences which we believe should be investigated by the Legislature, the said Sturgiss, while holding the office of such judge, repeatedly disregarded the law of this state in cases of violation of the prohibition law in arbitrarily and unlawfully refusing to impose sentences of imprisonment, and in arbitrarily and unlawfully setting aside sentences of imprisonment imposed by justices of the peace of said county, and permitting prisoners so sentenced by said justices to go at liberty from the jail of said county, where they were serving their terms of imprisonment.

We will hold ourselves in readiness to present to your honorable body, or any committee thereof to whom these charges may be referred, evidence in relation to the acts, conduct and misbehavior in office of the said judge hereinabove set out.

Among the many witnesses upon whom we rely to sustain these charges are: Lee R. Shriver, David Lemley, A. I. Derr, John C. Price, A. Willey Bowlby, I. G. Lazzelle, John Shriver, Wm. E. Glasscock, John M. Gregg, C. A. Goodwin, S. F. Glasscock, S. A. Posten, C. William Cramer, L. W. Sutton, George C. Baker, W. E. Hunter,

Jo. L. Keener, Dr. D. H. Courtney, Dr. J. W. Hartigan, Rufus F. Lazzelle, David C. Reay, Frank P. Weaver, and others.

Dated this the 31st day of December, 1918.

Respectfully submitted,

JOHN M. GREGG,
JOHN SHRIVER,
I. G. LAZZELLE,
WM. E. GLASSCOCK,
CHAS. A. GOODWIN,
S. F. GLASSCOCK,
E. M. EVERLY,
DAVID C. REAY,
C. WILLIAM CRAMER,
FRANK L. BOWMAN,
S. A. BARKER,
M. J. MALAMPHY, JR.,
C. C. ROSE,
S. A. POSTEN,
P. C. WHITE,
JOHN C. PRICE,
A. W. BOWLBY,
JO. L. KEENER,
R. H. JARVIS,
TERENCE D. STEWART.

1917. Jan. 4. State vs. Ben Davis, misdemeanor, violation prohibition law, plea nolle cont'd. (no fine) court takes time etc. Recog. \$500.

Jan. 6. State vs. Jas. R. Reed, same offense, plea nolle contd. \$100. Court takes time, etc.

Jan. 10. State vs. Walter L. Curry, same offense, plea nolle contd. \$100 fine. Court takes time etc. Recog. \$500.

Jan. 12. State vs. Andy Reedy, same offense, plea guilty, \$100. fine and court takes time, etc.

Apr. 9. State vs. John Corrothers, same offense, nolle contd. \$300 fine, recog. \$1000.

Apr. 10. State vs. D. F. Scritchfoeld, same offense, nolle contd. \$150 fine.

Apr. 10. State vs. Martin Cole, same offense, nolle contd. \$150 fine.

Apr. 10. State vs. Mike Krivak, appnt., same offense, nolle contd. \$100. Recog. \$500.

Apr. 10. Geo. Candik, same offense, nolle cont. \$100. Recog. \$500.

Apr. 10. State vs. Nick Mamrock, same offense, nolle cont. \$100. *no appeal.*

May 5. State vs. Wm. M. Bowman, same offense. Recog. \$500 to keep peace and be of good behavior for 1 yr. (No appeal.)

May 5. State vs. John Hutnik, appnt. nolle contd. \$100 fine, recog. \$500.

May 31. State vs. Harry Smith, appnt. nolle contd. \$100 fine, recog. \$500.

Oct. 5. State vs. Wm. P. Rudolph, indct. nolle contd. \$100.

Oct. 8. State vs. Wayne Blosser, indct. nolle contd. \$100. Recog. \$500.

1918.

Jan. 10. State vs. Wm. Fisher, appnt., guilty. \$100. Recog. \$1000.

Apr. 11. State vs. C. R. Hayes, appnt, guilty. \$100. Recog. \$500.

Apr. 12. State vs. Mike Schulck, appnt. guilty. \$100. No recog.

Apr. 12. State vs. J. E. Fleming, nolle contd., \$100. Recog. \$500.

Aug. 5. State vs. Chas. Mucha, nolle contd. \$100. Recog. \$500.

Sept. 5. State vs. Mike Dudas, nolle contd. \$100. Recog. \$500. vacation order.

Sept. 5. State vs. Andy Baltic, nolle contd. \$100. Recog. \$500, vacation order.

Nov. 12. State vs. Chas. Myksamovitch, nolle cont. \$100. Recog. \$500.

Nov. 16. State vs. Fred Stevens, nolle contd. \$100. No recog. deft. released from custody.

Nov. 29. State vs. D. Earle Fields, nolle contd. \$100. Recog. \$500.

Nov. 29. State vs. Joseph Simich, nolle contd. \$100. Recog. \$500.

State of West Va., Monongalia county, to-wit:

I, John Shriver, Clerk Circuit court of said county, do certify that the foregoing are true extracts from the records of said court.

Given under my hand this 30th day of Dec. 1918.

JOHN SHRIVER, *Clerk.*

The following resolution was adopted at a special meeting of the Bar of Monongalia county, West Virginia, duly called and held, on Monday, January 21, 1918, at 2:00 o'clock, P. M.

Be it resolved, By members of the Bar of the Twenty-third Judicial Circuit of the State of West Virginia, that:

WHEREAS, the highest and purest citizenship of the people is established and must be maintained upon their well-founded and unquestioning faith and confidence in their public officers and especially in their courts of justice in the equal and impartial administration of law by men temperamentally qualified and unselfishly devoted to public service, without strife, contention or suspicion; and

WHEREAS, hostile and bitter dissensions, controversies and recriminations have long existed between the Honorable George C. Sturgiss, the present Judge of the said Judicial Circuit, and John C. Price, A. W. Bowlby and E. C. Jennewine, the Commissioners of the County Court of Monongalia county, and also between the said Judge and numerous members of the said Bar, in relation to matters vitally affecting both private interests and public welfare; and

WHEREAS, such conditions have long obstructed and interfered with the proper, efficient and economical management of the affairs of the people of the county and have finally culminated in the complete breaking down of the administration of justice, in disregard of the fixed and established rules of law and the fundamental rights of life, liberty and property, which can be secured and guaranteed only by an administration of justice free from suspicion, criticism and unending controversy; and

WHEREAS, the peculiar and righteous duty of the members of the Bar require them, individually and as a body, to deplore such conditions and to uphold and maintain the dignity and respect of law, and to foster and preserve the faith and confidence of all men in the officers chosen by them, and to assert and stand for high and unselfish principles and practices effecting the public welfare; therefore

Be it resolved:

First. That such action be taken as may be necessary to speedily secure a full and lawful trial of the said Commissioners of the said County Court upon the charges now pending against them in the Circuit Court of said county, to the end that said Commissioners may be removed from their offices or otherwise dealt with according to law, or vindicated before the public whom they serve; and

Second. That the said Circuit Judge be most respectfully requested to resign as such Judge, in the interests of the public welfare of the said Judicial Circuit and State, and for the unity and preservation of the faith, confidence and co-operation of the people of the said Judicial Circuit and State, in a time demanding loyalty, sacrifice and self-surrender for the preservation of pure democracy; and

Third. That copies of this resolution be transmitted to the said Commissioners and to the said Judge.

On the adoption of the resolution the ayes were:

George C. Baker, Charles G. Baker, S. A. Barker, Frank L. Bowman, F. M. Brand, E. M. Everly, Fred C. Flenniken, E. H. Gilbert, S. F. Glasscock, W. E. Glasscock, Charles A. Goodwin, John L. Hatfield, William S. John, Terence D. Stewart, E. B. Stewart, M. J. Malampy, Jr., R. P. Posten, John A. Purinton, D. C. Reay, Albert Shuman, Frank P. Weaver and P. C. White.—22.

The noes were:

R. A. Loar.—1.

Those present and not voting were:

Frank P. Corbin, Charles T. Herd, C. C. Rose, R. E. Guy (chairman), L. V. Keck, T. Ray Dille and W. O. Davis.—7.

Those absent were:

R. E. L. Allen, M. G. Bufano, Frank Cox, Stanley Cox, C. W. Cramer, C. B. Dille, E. G. Donley, Glenn Hunter, I. G. Lazelle, James R. Moreland, George H. Portman, James R. Sheppard, W. J. Snee, Altha Warman, Elis A. Yost, Lora F. Ice and Van A. Barrickman.—17.

So, a majority of the members present having voted in the affirmative, the resolution was adopted.

M. J. MALAMPY, JR.,

Secretary.

ROBT. E. GUY, *Chairman.*

Referred to the Committee on the Judiciary.

Mr. Neal presented the following communications:

JOBBER AND MANUFACTURERS BUREAU
OF THE CHAMBER OF COMMERCE

Huntington, West Virginia,

January 13th, 1919.

To the House of Delegates of West Virginia:

You are respectfully advised that the Huntington Jobbers and

Manufacturers Bureau, at a meeting held Thursday, January 9th, resolved, that it was the sense of the Bureau that your honorable body be advised that it is the desire of that organization that the natural gas now produced or to be produced in West Virginia be conserved for the users of the state; and further, that it is the desire of the bureau that the gas be kept in the state, if possible.

Very truly yours,

H. E. MATHEWS, *Secretary.*

And,

HUNTINGTON CHAMBER OF COMMERCE

Huntington, West Virginia,

January 13th, 1919.

To the House of Delegates of West Virginia:

I have the honor to advise you, at a regular meeting of the Chamber of Commerce held on the evening of January 10th, I was directed to petition your honorable body to pass a law wherein natural gas now produced or hereafter to be produced in this state be kept here for the benefit of those who live or do manufacturing in West Virginia.

Respectfully,

H. E. MATHEWS, *Secretary.*

Referred to the Committee on the Judiciary.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Wysong:

House Bill No. 43—"A Bill to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."

Referred to the Committee on Finance and Taxation.

By Mr. Neale:

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. McClaren:

House Bill No. 45—"A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

Referred to the Committee on Medicine and Sanitation.

By Mr. McClaren:

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties; section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employes by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Coberly:

House Bill No. 47—"A Bill to create the twenty-fourth judicial circuit, to provide for the election of a judge therefor, and to fix the time for holding courts therein."

Referred to the Committee on the Judiciary.

By Mr. Bannister:

House Bill No. 48—"A Bill to require railroads to provide safe and convenient caboose cars on freight trains, and imposing a penalty for failure so to do."

Referred to the Committee on Railroads.

And,

House Bill No. 49—"A Bill to provide sufficient crews for freight trains operating in this state."

Referred to the Committee on Railroads.

By Mr. Stover:

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-*b*, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-*a*, sixty-seven-*b*, sixty-seven-*c*, sixty-seven-*d* and sixty-seven-*e*, relating to inspection of factories, mercantile establishments, mills or workshops."

Referred to the Committee on Labor.

By Mr. Stover:

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

Referred to the Committee on Labor.

By Mr. Pridemore:

House Bill No. 52—"A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

Referred to the Committee on the Judiciary.

By Mr. Hendricks:

House Bill No. 53—"A Bill to provide for the education and maintenance of indigent children."

Referred to the Committee on Education.

By Mr. Fortney (of Preston):

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes code of the edition of one thousand nine hundred and eighteen."

Referred to the Committee on the Judiciary.

By Mr. Brand:

House Bill No. 55—"A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."

Referred to the Committee on the Judiciary.

And,

House Bill No. 56—"A Bill to amend and re-enact sections eight and eleven of chapter one hundred and twenty-seven of the code of

West Virginia (Barnes' code, one thousand nine hundred and eighteen) in relation to discontinuances and re-instatement of cases."

Referred to the Committee on the Judiciary.

By Mr. Taylor:

House Bill No. 57—"A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."

Referred to the Committee on the Judiciary.

By Mr. Hersman:

House Bill No. 58—"A Bill, providing for the protection of sheep and other property; listing, taxing and assessing dogs as personal property."

Referred to the Committee on Immigration and Agriculture.

By Mr. John:

House Bill No. 59—"A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."

Referred to the Committee on the Judiciary.

By Mr. McClintic:

House Bill No. 60—"A Bill to amend and re-enact section thirteen of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."

Referred to the Committee on the Judiciary.

And,

House Bill No. 61—"A Bill to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian."

Referred to the Committee on the Judiciary.

Mr. James W. Weir, Private Secretary to the Governor, appeared at the bar of the House and presented the special message of the Governor.

Thereupon,

The Speaker laid before the House the said message and directed that it be read by the Clerk.

SPECIAL MESSAGE FROM THE GOVERNOR.

To the Members of the Senate and House of Delegates:

GENTLEMEN:

The congress of the United States has set apart February ninth as the date of the proposed memorial service in congress to honor the memory of Theodore Roosevelt. A committee of distinguished citizens composed of ex-President Taft, members of the Cabinet, the Speaker of the House of Representatives, United States senators and others, have requested the governors of the several states to officially suggest the holding of similar meetings in the various communities of the states on the same day for a like purpose.

I am today sending an appeal to the mayors of all the cities and towns for the holding of such meetings on the day mentioned. This appeal to the public for memorial meetings, it seems to me, would be greatly strengthened if the legislature would hold similar services, and I, therefore, beg to suggest that you set apart the said ninth day of February as memorial day and that fitting services be held in the hall of the House of Delegates in honor of the memory of the great American whose demise the nation mourns, and whose memory will be honored by the congress of the United States on that day, as well, we hope, as by the people of every city, town and hamlet in the state of West Virginia.

JNO. J. CORNWELL, *Governor.*

After the message had been read,

On motion of Mr. John, the Speaker was authorized to appoint a committee of five members of the House to arrange suitable memorial services to be held in the hall of the House of Delegates to honor the memory of Theodore Roosevelt, as suggested in the Governor's message.

The Speaker named as such committee:

Messrs. John (Chairman), McClintic, Kuykendall, Richards and Coberly.

On motion of Mr. Moore, indefinite leave of absence from the

House was given Mr. Hilleary of the county of Upshur, on account of serious illness.

The Speaker announced the following list of appointments made by him pursuant to resolution passed by the House, January thirteen, one thousand nine hundred and nineteen:

STENOGRAPHERS—Miss Frank Parker, for the minority side—Miss Athea Bowen, Miss Maude Perry, Lottie Earley.

Stenographer to Judiciary Committee, Lewis Wilmore.

Stenographer to Finance Committee, Dortha Smith.

Stenographer to Speaker, Carrie L. Hood.

Private Secretary to the Speaker, E. A. Stone.

COMMITTEE CLERKS—O. B. Bobbett, Judiciary; M. H. King, Taxation and Finance; J. B. Ferguson, Education; G. G. Zinn, Labor; E. B. Wade, Mines and Mining; R. E. Guinn, Railroad; W. H. Brown, Prohibition and Temperance; I. C. Staats, Counties, Districts and Municipal Corporations; Sherman Linville, Insurance; John Good, Medicine and Sanitation; A. G. Arbogast, Penitentiary; Mrs. Mary Hyer, Roads and Internal Navigation; R. Pettigrew, C. A. Nuzum.

CHIEF JOURNAL PAGE—John Huffman Goshorn. Assistants, Ira Maynor, Hugh Hartinger.

FLOOR PAGES—Robert Morris, Beverly Staats, Ira Maynor, Hermon O. Martin, Okey Goff, Claude Crawford, (to minority side), Harold Homes, Cyrus Thompson.

BANKING AND MAILING CLERK—Seaman McGrew, Kanawha county.

ASSISTANT SERGEANT AT ARMS—W. H. Hutchinson, Jackson county.

CLOAK ROOM KEEPERS—Bob Thornton, Tom Johnson, Sam Woods, Henry Burks.

TOILET ROOM KEEPER—Frank Johnson, Cabell county.

NIGHT WATCHMAN—Louis Schafer.

DAY WATCHMAN—T. W. Parsons.

ASSISTANT DOOR KEEPER—W. H. Webster.

GALLERY DOOR KEEPERS—Floyd Smith, J. K. Smith.

LIBRARIAN—M. C. Staats.

The Clerk announced the following list of appointments made by him, pursuant to resolution passed by the House, January thirteen, one thousand nine hundred and nineteen:

DESK CLERKS—M. J. Malamphy, Jr., J. C. Hamilton.

PRINTING CLERKS—Homer Jarrett, W. H. Rumburg, W. H. Watson.

BILL RECORD CLERK—Robt. W. Chidester.

ASSISTANT BILL RECORD CLERKS—H. R. Crandall, Joe Fox.

SUPERVISOR HOUSE PRINTING—A. K. Slaughter.

HOUSE BILL EDITOR—G. A. Bolden.

JOURNAL EDITOR—J. E. McGlothlin.

BILL RECEIPT CLERK—Cameron Swisher.

CALENDAR CLERK—James Daniel, Jr.

STENOGRAPHERS—H. D. Matthews, Lloyd Rock, R. C. Mathews.

ASSISTANT CLERKS—Emerson McGee, E. T. Jarrett, Earnest Higginbotham.

STENOGRAPHER TO THE CLERK—Effie McCown.

On motion of Mr. Weiss, the House adjourned.

WEDNESDAY, JANUARY 15, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Rankin, a member from the county of Jackson.

Pending the reading of the journal of yesterday,

On motion of Mr. Sarver, the further reading thereof was dispensed with.

Mr. Morris from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on Judiciary has had under consideration,

House Bill No. 55—"A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."

And

House Bill No. 61—"A Bill to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Sarver from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 16—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

And

House Bill No. 35—"A Bill authorizing the board of education of Union Independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

G. T. SARVER, *Chairman.*

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

House Bill No. 45—"A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

G. C. HOWARD, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 3--Authorizing the Auditor to issue warrants for mileage and per diem of members, officers and attaches of the Legislature.

Resolved, by the Legislature of West Virginia:

That the Auditor is hereby authorized to issue his warrants upon the Treasurer in advance of the passage of the legislative appropria-

tion bill, for such amounts as are, or may become due to the several members, officers and attaches of the Senate and House of Delegates, for their per diem and mileage, upon the proper requisition of the clerk of the Senate and the sergeant-at-arms of the House, respectively.

On motion of the same gentleman, the rules were suspended and the resolution (H. C. R. No. 3) was taken up for immediate consideration and adopted.

Ordered, That Mr. Parsons communicate to the Senate the adoption of the resolution and request concurrence therein.

Mr. Stover offered the following resolution:

WHEREAS, The Twin Mountain and Potomac Railroad Company has operated a narrow guage line between Keyser, Mineral county, and Twin Mountain, Grant county, West Virginia, since March 1, 1913, subject to many losses and disadvantages in its operation as a private enterprise, and

WHEREAS, Many additional burdens of various kinds grew out of the exigencies of the war situation and laid a crushing weight upon this struggling development, forcing a resolution to sell its property and which it desires to offer, at a very heavy sacrifice to those who have thus far carried it, to the Baltimore and Ohio Railroad Company, the one logical corporation body to operate the line, and

WHEREAS, The State of West Virginia would suffer heavily in depriving the wonderful orchard development located along this line of adequate transportation facilities practically impossible to otherwise replace, and would further be subject to an almost irreparable back-set in withholding from an anxious market much good timber, and large quantities of mine props, pulp wood, mine ties, tan bark, cross-ties, locust and walnut wood, and at the same time denying to labor the incidental means of livelihood and to which it necessarily turns with the approach of winter, therefore

Resolved, That the Legislature of West Virginia declares it to be the sense of this body that it is the duty of the Director General of Railroads to halt this backward step and urge by all proper means the acquirement and operation of the Twin Mountain and Potomac Railroad by the Baltimore and Ohio Railroad Company believing that public interest demands the preservation of the many enterprises which will be so seriously affected if not actually destroyed.

Ordered, That the Governor be requested to forward a copy of this resolution forthwith to Walter D. Hines, Director General of Railroads, at Washington, D. C.

Which, under the rules, lies over one day.

Referred to the Committee on the Judiciary.

Mr. Houvouras submitted the following communication:

BRICKLAYERS INTERNATIONAL UNION NO. 5.

of

Huntington, W. Va.

HUNTINGTON, W. VA., January 10, 1919.

To the Honorable Floyd S. Chapman, State Senator, and to the four Representatives of the House of Delegates from Cabell county, Charleston, W. Va.:

GENTLEMEN:

At a meeting of the Bricklayers Union No. 5 of Huntington, W. Va. there was a discussion on changing charter of city of Huntington. We went on record, voting for a partisan commission for city government. We considered it would be to the best interests of the majority of the people of this city to change the present form of government. This plea for changing the present form of government by this Union, carries a membership of one hundred citizens of Huntington, W. Va.

Yours respectfully,

BRICKLAYERS UNION NO. 5 HUNTINGTON, W. VA.

By H. P. HERMANN, Pres.

J. B. SADLER, Secty.

Referred to Committee on Counties, Districts and Municipal Corporations.

Mr. Weiss (by request) submitted the petition of A. J. Blue and fifty-one other citizens and taxpayers of Blueville addition to the city of Grafton, protesting against the incorporation of Blueville addition.

Referred to the Committee on Counties, Districts and Municipal Corporations.

Mr. Moore, chairman of the Committee on the Judiciary, submitted the following resolution:

"Resolved, That the Committee on the Judiciary be authorized to have such bills as they may deem proper printed in advance of their being reported back to the House."

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

Mr. Blizzard presented the petition of M. J. Simms and eighteen others, requesting the passage of an enabling act authorizing the board of education of Kanawha district, Fayette county, West Virginia, to close a contract for the erection of two school buildings in the town of Montgomery, at a maximum cost of one hundred thousand dollars, of which amount thirty-five thousand dollars is now available, the remainder to be taken care of by future levies.

Referred to the Committee on Education.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. O'Connor:

House Bill No. 62—"A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."

Referred to the Committee on the Judiciary.

By Mr. Weiss:

House Bill No. 63—"A Bill to license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than six percentum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan."

Referred to the Committee on Private Corporations and Joint Stock Companies.

Also,

House Bill No. 64—"A Bill requiring the licensing of engineers and operators of stationary steam boilers and engines of more than fifty horse-power, and creating the office of Chief Examiner of Engineers."

Referred to the Committee on Labor.

And,

House Bill No. 65—"A Bill to provide for the protection of the traveling public on street and interurban railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motormen; relating to hauling freight, and spotters employed by the company."

Referred to the Committee on Railroads.

By Mr. Morris:

House Bill No. 66—"A Bill to amend and re-enact section sixteen, chapter one hundred forty-nine, of the code relating to work on the Sabbath."

Referred to the Committee on the Judiciary.

By Mr. Vaughn (by request):

House Bill No. 67—"A Bill to amend and re-enact section one hundred eighteen of chapter forty-five of the code of West Virginia, relating to salaries of county superintendents of free schools."

Referred to the Committee on Education.

And,

House Bill No. 68—"A Bill to punish the keeping of gambling places and the operation of gambling."

Referred to the Committee on the Judiciary.

By Mr. Byrnes:

House Bill No. 69—"A Bill making it unlawful for convicts whose sentences have expired or who may have been pardoned or paroled from the penitentiary of this state to be or remain within Marshall county after being discharged therefrom."

Referred to the Committee on the Judiciary.

By Mr. Richards:

House Bill No. 70—"A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."

Referred to the Committee on the Judiciary.

And,

House Bill No. 71—"A Bill to amend and re-enact sections one, three, thirteen and fourteen and to repeal section twenty-four of the act of the legislature of West Virginia, passed February twenty-first, one thousand nine hundred and thirteen, entitled an act creating the office of state Hotel Inspector, and providing for the inspection of hotels and restaurants."

Referred to the Committee on the Judiciary.

By Mr. Starcher:

House Bill No. 72—"A Bill to amend and re-enact sections one, three, thirteen and fourteen and to repeal section twenty-four of an act of the legislature of West Virginia, passed February twenty-first, one thousand nine hundred and thirteen, entitled, 'An act creating

the office of state Hotel Inspector, and providing for the inspection of hotels and restaurants."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 73—"A Bill to amend chapter one hundred and thirty of the code of West Virginia by adding thereto section 23-a, relating to the examination as witnesses of parties to actions, suits and proceedings."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 74—"A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature for the year one thousand nine hundred and seventeen."

Referred to the Committee on the Judiciary.

And,

House Bill No. 75—"A Bill to amend and re-enact section four of chapter twenty-seven, of the acts of one thousand nine hundred and nine."

Referred to the Committee on the Judiciary.

By Mr. Hackney.

House Bill No. 76—"A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one, relating to weights and measurers."

Referred to the Committee on the Judiciary.

By Mr. Lantz:

House Bill No. 77—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature one thousand nine hundred and seventeen, by adding thereto section twenty-eight-a relating to the distribution of class "a" road funds where bonds for the construction of class "a" roads have been issued by a district or districts of any county.

Referred to the Committee on Roads and Internal Navigation.

By Mr. Stover:

House Bill No. 78—"A Bill to amend section four hundred eighty-three (as amended by section thirty-two of Barnes' code of nineteen

hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law.' "

Referred to the Committee on Labor.

By Mr. Godfrey:

House Bill No. 79.—"A Bill to amend sections six and seven of chapter eighty-seven of the acts of the legislature of one thousand nine hundred and fifteen, relating to the election and appointments of assessors and assistant assessors."

Referred to the Committee on the Judiciary.

By Mr. McClintic (by request):

House Bill No. 80.—"A Bill to prevent the spread of rabies or hydrophobia among the people of the state of West Virginia for the preservation of public safety, and for the protection of the people from injury, disease and death, from vicious and rabied dogs and for the protection of domestic animals throughout the state."

Referred to the Committee on Immigration and Agriculture.

By Mr. Swisher:

House Bill No. 31.—"A Bill to amend and re-enact section thirteen of chapter sixty-six, of the acts of the legislature of one thousand nine hundred and seventeen; serial section one thousand nine hundred and forty supplement of Hogg's code of one thousand nine hundred and eighteen, relative to state road commission."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Wysong:

House Bill No. 82.—"A Bill to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and a grade school building, at Montgomery."

On motion of Mr. Wysong, unanimous consent being given, the bill was taken up for immediate consideration.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with, and the bill ordered to be read the first time.

The bill was then read a first time and ordered to a second reading.

On motion of Mr. Wysong, the constitutional rule requiring the bill to be fully and distinctly read on three different days was dis-

pensed with by four-fifths of all the members present, by a vote taken by the ayes and noes.

On dispensing with the constitutional rule, the yeas were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Peck, Pedigo, Perin, Pettigrew, Pride-more, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Taylor, Thomas, Twyman, Vaughn, Weiss and Wysong—71.

The noes were:

Messrs. Ferguson, Harvey, Kuykendall, Morris, McCauley, Neal (of Webster), Rouss, Swisher, Thurmond and Mr. Speaker—10.

Absent and not voting:

Messrs. Bland, Bray, Capehart, Cox, Hilleary, Lester, McVey, Otto, Parsons, Vanmeter, Williams (of Ohio), and Williams (of Pleasants)—12.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by ayes and noes.

Pending the consideration of the bill on second reading,

On motion of Mr. Wysong, the bill (H. B. No. 82) was referred to the Committee on Taxation and Finance.

By Mr. John:

House Bill No. 83—"A Bill to amend chapter twenty-five of the code of West Virginia, relating to rules and pleadings by adding thereto a section preventing the dismissal of meritorious actions at law, suits in equity or other proceedings because of mischoice of the form of action or the forum."

Referred to the Committee on the Judiciary.

On motion of Mr. Weiss, indefinite leaves of absence from the House were granted to Messrs. Bland, Otto and Williams (of Ohio).

House Bill No. 1—"A Bill to amend and re-enact section five of chapter one hundred and thirty-seven of the code relating to commissioners of courts and commissioners of accounts and the fees to be paid for their services."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 38—"A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 4—"A Bill to repeal chapter thirty-seven of the acts of the legislature of one thousand nine hundred and seventeen, entitled 'An act to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote.'"

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hogg's code of one thousand nine hundred and thirteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

On motion of Mr. Anderson, the House adjourned.

THURSDAY, JANUARY 16, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Blackhurst, the member from the county of Pocahontas.

Pending the reading of the journal of yesterday,

On motion of Mr. Houvouras, the further reading thereof was dispensed with.

Mr. Moore from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on Judiciary has had under consideration,

House Bill No. 5—"A Bill to amend chapter one hundred twenty of the code, by adding thereto section nine, relating to the duties of prosecuting attorneys."

Also,

House Bill No. 27—"A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine, of the code of West Virginia, Barnes edition one thousand nine hundred and sixteen, relating to discharge of persons indicted for felony upon failure of state to try."

Also,

House Bill No. 60—"A Bill to amend and re-enact section thirteen of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."

Also,

House Bill No. 83—"A Bill to amend chapter twenty-five of the code of West Virginia, relating to rules and pleadings by adding thereto a section preventing the dismissal of meritorious actions at law, suits in equity or other proceedings because of mischoice of the form of action or the forum."

And,

House Bill No. 70—"A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."

And report the same back with the recommendation that same do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on Judiciary, submitted the following report, which was received:

Your Committee on Judiciary has had under consideration,

House Bill No. 7—"A Bill to amend and re-enact section two of chapter one hundred and twenty-six, of the acts of May twenty-six, one thousand nine hundred and sixteen, relating to the protection of live stock and to add section one hundred and twenty-eight, nine and ten thereto."

And report the same back with the recommendation that it be referred to the Committee on Immigration and Agriculture.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on Judiciary, submitted the following report, which was received:

Your Committee on Judiciary has had under consideration,

House Bill No. 72—"A Bill to amend and re-enact sections one, three, thirteen and fourteen and to repeal section twenty-four of an act of the legislature of West Virginia, passed February twenty-first, one thousand nine hundred and thirteen, entitled, "An act creating the office of state Hotel Inspector, and providing for the inspection of hotels and restaurants."

And,

House Bill No. 71—"A Bill to amend and re-enact sections one three, thirteen and fourteen and to repeal section twenty-four of an act of the legislature of West Virginia, passed February twenty-first, one thousand nine hundred and thirteen, entitled an act creating the office of state Hotel Inspector, and providing for the inspection of hotels and restaurants."

And report the same back with the recommendation that it be referred to the Committee on Humane Institutions and Public Buildings.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on Judiciary, submitted the following report, which was received:

Your Committee on Judiciary has had under consideration,

House Bill No. 39—"A Bill to amend and re-enact section four of chapter ninety-six, serial section number four thousand one hundred and sixty-three of the code of West Virginia, one thousand nine hundred and thirteen, fixing the rate of interest that may be charged for the loan or forbearance of money or other thing."

And report the same back without recommendation.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on Judiciary, submitted the following report, which was received:

Your Committee on Judiciary has had under consideration,

House Bill No. 29—"A Bill to cure defective titles and conveyances under the forfeiture and tax laws because of the want of a seal to the instrument purporting to convey or transfer the title."

Also,

House Bill No. 37—"A Bill to retain and continue the lien of garage keepers, automobile repairmen or bailees of motor vehicles."

Also,

House Bill No. 56—"A Bill to amend and re-enact sections eight and eleven of chapter one hundred and twenty-seven of the code of West Virginia (Barnes' code, one thousand nine hundred and eighteen) in relation to discontinuances and re-instatement of cases."

Also,

House Bill No. 66—"A Bill to amend and re-enact section sixteen, chapter one hundred forty-nine, of the code relating to work on the Sabbath."

Also,

House Bill No. 73—"A Bill to amend chapter one hundred and thirty of the code of West Virginia by adding thereto section 23-a, relating to the examination as witnesses of parties to actions, suits and proceedings."

Also,

House Bill No. 69—"A Bill making it unlawful for convicts whose sentences have expired or who may have been pardoned or paroled from the penitentiary of this state to be or remain within Marshall county after being discharged therefrom."

And,

House Bill No. 68—"A Bill to punish the keeping of gambling places and the operation of gambling."

And report the same back with the recommendation that they do not pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 29, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 37, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 56, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 66, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 73, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 69, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 68, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 39, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Unanimous consent being given, Mr. Cuppett, from the Committee on Elections and Privileges, submitted the following report:

Your Committee on Elections and Privileges, having had under consideration the question of mileage, begs leave to report that the following persons were duly elected to the House of Delegates from the counties opposite their names, at the election held on Tuesday next after the first Monday in November, one thousand nine hundred and eighteen and each delegate is entitled to receive pay for the number of miles placed opposite his name, as follows:

NAME.	COUNTY	MILES.
Anderson.....	McDowell.....	388
Blackhurst.....	Pocahontas.....	430
Bannister.....	Fayette.....	150
Bland.....	Logan.....	250
Blizzard.....	Fayette.....	110
Brand.....	Monongalia.....	560
Brammer.....	Cabell.....	124
Bray.....	Greenbrier.....	262
Byrnes.....	Marshall.....	518
Calhoun.....	Pendleton.....	518
Capehart.....	McDowell.....	520

Clements.....	Kanawha.....	38
Coberly.....	Randolph.....	352
Coleman.....	Fayette.....	70
Coon.....	Boone.....	100
Cosner.....	Braxton.....	230
Cox.....	Wirt.....	396
Cunningham.....	Raleigh.....	180
Cuppett.....	Tucker.....	422
Ferguson.....	Wayne.....	200
Fitch.....	Cabell.....	104
Fortney.....	Harrison.....	532
Fortney.....	Preston.....	578
Godfrey.....	Mercer.....	608
Grove.....	Berkeley.....	952
Hackney.....	Kanawha.....	
Hale.....	McDowell.....	412
Hall.....	Wetzel.....	408
Hamilton.....	Marion.....	652
Harvey.....	Braxton.....	176
Hays.....	Gilmer.....	616
Hendricks.....	Kanawha.....	
Hersman.....	Roane.....	282
Hickman.....	Tyler.....	600
Hilleary.....	Upshur.....	306
Hobbs.....	Summers.....	200
Houvouras.....	Cabell.....	104
Howard.....	Doddridge.....	394
John.....	Monongalia.....	560
Jones.....	Wood.....	282
Kern.....	Marion.....	507
Kuykendall.....	Hampshire.....	1018
Lantz.....	Wetzel.....	455
Lester.....	Calhoun.....	288
Mahan.....	Brook.....	572
Miller.....	Marion.....	510
Mollohan.....	Nicholas.....	138
Moore.....	Marshall.....	518
Moran.....	Wyoming.....	180
Morris.....	Harrison.....	528
Moulds.....	Hancock.....	586
Musser.....	Lewis.....	542
McCauley.....	Hardy.....	800

McClaren.....	McDowell.....	388
McClintic.....	Kanawha	
McDermitt.....	Mason.....	186
McPherson.....	Wood.....	298
McVey.....	Fayette.....	120
Neale.....	Cabell.....	104
Neal.....	Webster.....	304
Nutter.....	Kanawha	
O'Connor.....	Randolph.....	352
Otto.....	Ohio.....	532
Parsons.....	Mason.....	112
Peck.....	Wayne.....	124
Pedigo.....	Mercer.....	576
Perin.....	Morgan.....	998
Pettigrew.....	Kanawha	
Pridemore.....	Lincoln.....	180
Rankin.....	Jackson.....	210
Richards.....	Ohio.....	532
Rouss.....	Jefferson.....	912
Sarver.....	Roane.....	290
Scott.....	Raleigh.....	180
Shaw.....	Preston.....	578
Shomo.....	Barbour.....	378
Spangler.....	Monroe.....	290
Starcher.....	Harrison.....	510
Stover.....	Mineral.....	680
Sturm.....	Harrison.....	524
Summers.....	Clay.....	102
Swisher.....	Wood.....	282
Taylor.....	Putnam.....	50
Thomas.....	Mingo.....	288
Thurmond.....	Greenbrier.....	238
Twyman.....	Ritchie.....	332
Vaughn.....	Taylor.....	576
Vanmeter.....	Grant.....	810
Weiss.....	Ohio.....	532
Williams.....	Ohio.....	532
Williams.....	Pleasants.....	332
Wysong.....	Mercer.....	500
Mr. Speaker (Wolfe).....	Jackson.....	210

Respectfully submitted,

D. E. CUPPETT, *Chairman.*

Mr. Sturm, from the Committee on Insurance, submitted the following report, which was received:

Your Committee on Insurance has had under consideration,

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen".

And report the same back with the recommendation that it do pass,

Respectfully submitted,

GEO. W. STURM, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration.

House Bill No. 82—"A Bill to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and a graded school building, at Montgomery."

And report the same back with the recommendation that it do pass.

S. L. PARSONS, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 25—"A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred forty-two-a of Hogg's code, providing for the establishment and location of a miners' hospital in the town of St. Albans, in the county of Kanawha, which shall be known as Miners' Hospital No. 4."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

House Bill No. 25, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Hersman, from the Committee on Immigration and Agriculture, submitted the following report, which was received:

Your Committee on Immigration and Agriculture has had under consideration,

House Bill No. 10—"A Bill relating to pure drinking water for live stock in transit".

And report the same back with the recommendation that it do pass,

Respectfully submitted,

A. W. HERSMAN, *Acting Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 43—"A Bill to amend and re-enact section fifteen of chapter forty-eight-*a* of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."

And report the same back with the recommendation that it do pass as amended by the committee in striking out in line two the words "three thousand five hundred dollars" and inserting in lieu thereof the words "three thousand dollars."

Respectfully submitted,

S. L. PARSONS, *Chairman.*

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor, has had under consideration,

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-*h*, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-*a*, sixty-seven-*b*, sixty-seven-*c*, sixty-seven-*d* and sixty-seven-*e*, relating to inspection of factories, mercantile establishments, mill or workshops."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

K. H. STOVER, *Chairman.*

Mr. McPherson, from the Committee on Railroads, submitted the following report, which was received:

Your Committee on Railroads has had under consideration,

House Bill No. 48—"A Bill to require railroads to provide safe and convenient caboose cars on freight trains, and imposing a penalty for failure so to do."

And,

House Bill No. 49—"A Bill to provide sufficient crews for freight trains operating in this state."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

W. L. McPHERSON, *Chairman*.

Mr. Kuykendall offered the following resolution:

"*Resolved*, That the sergeant-at-arms be and he is hereby directed and authorized to procure a sufficient supply of Pine Rock water for the use of the House during the session, also to procure four water coolers."

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

Mr. Starcher presented the following communication:

CLARKSBURG BOARD OF TRADE

Office of the Secretary.

CLARKSBURG, W. VA.

To the Governor and Legislature of West Virginia:

We, the undersigned Clarksburg Board of Trade, hereby petition the legislature to take further action at the next session looking to the construction of a system of interstate and intra-state hard surface roads to connect up the already existing systems of Class-A roads and for building such additional systems of hard surface highways as may be required to place West Virginia's through Class-A roads in first-class condition and in accord with federal aid requirements, and,

We hereby petition the Governor of the state of West Virginia to give the matter mentioned in the foregoing petition vigorous support in his message to the legislature at its next session.

Unanimously authorized at the annual meeting held in the city of

Clarksburg at the court house thereof, on the thirteenth day of December, 1918.

Respectfully submitted,
CLARKSBURG BOARD OF TRADE.

DANIEL HOWARD, *President.*

G. W. DUDDERAR, *Secretary.*

Referred to Committee on Roads and Internal Navigation.

Mr. McClintic offered the following resolution:

"Resolved, That the Speaker is hereby empowered to appoint a special committee of not less than five nor more than fifteen members to whom all resolutions, petitions, reports, bills and any other matters of questions relating to the Virginia Debt shall be referred."

Mr. McClintic asked unanimous consent for the immediate consideration of the resolution, which consent was not given, Mr. Williams (of Pleasants), objecting.

Mr. McClintic then moved that the rules be suspended, and the resolution was taken up for immediate consideration and adopted.

Mr. Coon offered the following resolution:

WHEREAS, There seemed to be some confusion in regard to committee meetings on yesterday afternoon, and several members of committees failed to locate the proper place of meeting, and

"WHEREAS, We have a bulletin board already prepared, therefore,

"Resolved, That the chairman of the respective committees post notice of the time and place of each meeting immediately after the committee meeting is called."

On motion of the same gentleman, the rules were suspended, and the resolution was taken up for immediate consideration and adopted.

Mr. McClintic offered the following resolution:

"Resolved, That the Secretary of State be requested to purchase and furnish to each member of the House of Delegates one copy of the code of West Virginia of one thousand nine hundred and thirteen, including the supplement thereto."

Which, under the rules, lies over one day.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Pettigrew:

House Bill No. 84—"A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. McClaren:

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor."

Referred to the Committee on Taxation and Finance.

By Mr. Ferguson:

House Bill No. 86—"A Bill adding section one-a to chapter forty-two of Barnes' code of West Virginia."

Referred to the Committee on the Judiciary.

And,

House Bill No. 87—"A Bill to amend and re-enact section eighty-seven of chapter fifty-five of Barnes' code of West Virginia."

Referred to the Committee on the Judiciary.

By Mr. Richards:

House Bill No. 88—"A Bill providing for the regulation of the practice of the business of undertaking within the state of West Virginia, and providing penalties for violations thereof."

Referred to the Committee on Medicine and Sanitation.

And,

House Bill No. 89—"A Bill continuing the West Virginia State Board of Embalmers, providing for the appointment of its members, describing the duties of the said board and its members, providing systematic examinations, registrations, regulations, and licenses, for all persons who practice the art of embalming within the state of West Virginia, and providing penalties for violations thereof."

Referred to the Committee on Medicine and Sanitation.

By Mr. Nutter (by request):

House Bill No. 90—"A Bill to establish a home for indigent colored people, to provide for the admittance of residents thereto and the management and control, thereof; providing for payment to the state by county courts of counties having persons in said home and the method thereof and repealing acts and parts of acts inconsistent therewith."

Referred to the Committee on Humane Institutions and Public Buildings.

By Mr. Weiss:

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen, (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. Parsons:

House Bill No. 92—"A Bill to amend and re-enact sections, two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

Referred to the Committee on the Judiciary.

And,

House Bill No. 93—"A Bill to regulate the sale of commercial feeding stuffs."

Referred to the Committee on Immigration and Agriculture.

By Mr. Blizzard:

House Bill No. 94—"A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. Scott:

House Bill No. 95—"A Bill to amend and re-enact section eight of chapter thirty-nine of Barnes' code of one thousand nine hundred and eighteen, relating to the compensation of county commissioners."

Referred to the Committee on the Judiciary.

And, (by request):

House Bill No. 96—"A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to lay a special levy to provide funds for paying same with interest."

Referred to the Committee on Education.

By Mr. Twyman (by request):

House Bill No. 97—"A Bill to amend and re-enact sections thirty, thirty-one, and thirty-two of chapter forty-one of the code of West Virginia of nineteen hundred and six".

Referred to the Committee on the Judiciary.

A message from the Senate by Mr. Gribble, announced the concurrence of the Senate in the adoption of

"HOUSE CONCURRENT RESOLUTION No. 3—Authorizing the Auditor to issue warrants for mileage and per diem of members, officers and attaches of the Legislature.

"Resolved, by the Legislature of West Virginia:

"That the Auditor is hereby authorized to issue his warrants upon the Treasurer in advance of the passage of the legislative appropriation bill, for such amounts as are, or may become due to the several members, officers and attaches of the Senate and House of Delegates, for their per diem and mileage, upon the proper requisition of the clerk of the Senate and the sergeant-at-arms of the House, respectively."

House Bills Nos. 82, 1, 38, 4 and 6, on second reading, coming up in regular order for consideration, were passed over because the printed bills had not been on the desks of the members for one day, retaining their place on the calendar.

House Bill No. 55—"A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 61—"A Bill to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 16—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 35—"A Bill authorizing the board of education

of Union Independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 45—"A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

On motion of Mr. Neale (of Cabell), indefinite leave of absence from the House was granted to Mr. Brammer.

On motion of Mr. Perin, the House adjourned.

FRIDAY, JANUARY 17, 1919.

The House met at 10 o'clock A. M.

Prayer by Mr. Harvey, the member from the county of Braxton.

Pending the reading of the journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Mr. Neale (of Cabell), from the Committee on Counties, Districts and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 94—"A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."

Also,

House Bill No. 11—"A Bill to amend, revise and consolidate into one act of the legislature of West Virginia, passed February sixteenth,

one thousand nine hundred and one, entitled, 'An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county, and all subsequent acts of the legislature of said state, including the acts passed February seventeen, one thousand nine hundred and five, February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington'".

Also,

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

And report the same back with the recommendation that they do pass.

T. S. NEALE, *Chairman*.

Mr. Neale (of Cabell), from the Committee on Counties, Districts and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 84—"A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."

And report the same back with the recommendation that it be referred to the Committee on the Judiciary.

Respectfully submitted,

T. S. NEALE, *Chairman*.

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

House Bill No. 14—"A Bill pertaining to the public health".

And report the same back with the recommendation that it do pass,

Respectfully submitted,

G. C. HOWARD, *Chairman*.

Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 96—"A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to lay a special levy to provide funds for paying same with interest."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

G. T. SARVER, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 87—"A Bill to amend and re-enact section eighty-seven of chapter fifty-five of Barnes' code of West Virginia."

And report the same back with the recommendation that it be referred to the Committee on Education,

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 86—"A Bill adding section one-a to chapter forty-two of Barnes' code of West Virginia."

Also,

House Bill No. 97—"A Bill to amend and re-enact sections thirty, thirty-one, and thirty-two of chapter forty-one of the code of West Virginia of nineteen hundred and six".

Also,

House Bill No. 95—"A Bill to amend and re-enact section eight of chapter thirty-nine of Barnes' code of one thousand nine hundred and eighteen, relating to the compensation of county commissioners."

And,

House Bill No. 57—"A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."

And report the same back with the recommendation that they do not pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 86, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 97, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 95, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 57, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Godfrey:

House Bill No. 98—"A Bill to add sections one hundred and eighty-four and one hundred and eighty-five to chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, regulating the daily transportation of articles of freight over class "a" and class "b" roads, or main county roads, improved county roads, roads, streets and alleys in incorporated cities, towns and villages."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Swisher (by request):

House Bill No. 99—"A Bill to amend and re-enact section two hundred and nineteen of chapter fifty of Hogg's code of nineteen hundred and thirteen, relative to the jurisdiction of the justice of peace."

Referred to the Committee on the Judiciary.

W. H. Hurst:

House Bill No. 100—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen, (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."

Referred to the Committee on the Judiciary.

By Mr. Ferguson:

House Bill No. 101—"A Bill to amend and re-enact section eighty-seven of chapter sixty-six of the acts of the legislature of nineteen hundred and seventeen, relating to the letting of contracts."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Pettigrew:

House Bill No. 102—"A bill to amend and re-enact chapter fifteen-j, Barnes' code, nineteen hundred and eighteen, and establish in lieu of the West Virginia Humane Society a State Board of Children's Guardians and to define its duties."

Referred to the Committee on the Judiciary.

By Mr. Brand:

House Bill No. 103—"A Bill to amend and re-enact section eight of chapter one hundred and fourteen-b (serial section four thousand six hundred and thirty-one) of the West Virginia code of nineteen hundred and thirteen and to repeal sections nineteen, eleven, twelve, thirteen and fourteen (serial sections four thousand six hundred and thirty-two, four thousand six hundred and thirty-three, four thousand six hundred and thirty-four, four thousand six hundred and thirty-five, four thousand six hundred and thirty-six and four thousand six hundred and thirty-seven, of said chapter."

Referred to the Committee on the Judiciary.

By Mr. John:

House Bill No. 104—"A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws".

Referred to the Committee on the Judiciary.

And,

House Bill No. 105—"A Bill to require useful and productive

occupation and prevent idleness and vagrancy by able-bodied male residents of West Virginia."

Referred to the Committee on the Judiciary.

On motions of Mr. Cuppett, severally made, the journal of yesterday was corrected as follows:

On page six, line five, by striking out after the name "Hilleary" the figures "306" and inserting in lieu thereof the figures "600."

On same page, line eleven, by striking out after the name "Kern" the figures "570" and inserting in lieu thereof the figures "507."

On page seven, line fifteen, after the name "Vaughn," by striking out the word "Tyler" and inserting in lieu thereof the word "Taylor".

A message from the Senate, by Mr. Arnold, announced the concurrence of the Senate in the adoption of

HOUSE CONCURRENT RESOLUTION No. 2.—Providing for the purchase of codes of West Virginia by the Secretary of State.

Resolved, by the House of Delegates, the Senate concurring therein: That the Secretary of State be, and he is hereby, authorized and empowered to immediately purchase 140 copies of the code known as the "West Virginia Code" or "Hogg's Code of 1913" and the supplement thereto.

Mr. Summers offered the following resolution:

HOUSE JOINT RESOLUTION No. 2.—Authorizing the State Board of Health to issue to U. G. Morton of Lizemore, Clay county, West Virginia, a license to practice medicine and surgery.

WHEREAS, U. G. Morton has been engaged in the practice of medicine for twenty years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said U. G. Morton is a respectable, honorable and intelligent citizen of said county of Clay; and

WHEREAS, The said U. G. Morton is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, The said U. G. Morton is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, by the Legislature of West Virginia, That the State Board of Health, be and it is hereby authorized and requested to issue to the said U. G. Morton a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

Referred to the Committee on Medicine and Sanitation.

Mr. Starcher presented the following communication:

ROTARY CLUB OF CLARKSBURG

RESOLUTION ADOPTED UNANIMOUSLY JANUARY 8, 1919,
ON RECOMMENDATION OF CIVIC COMMITTEE.

Resolved, That the Rotary Club of Clarksburg urge and support the adoption of the following measures by the legislature of West Virginia, now in session, to-wit:

First—The “Gas for West Virginia First” bill, to supply and protect our home industries and domestic consumers.

Second—The amendment of our present “dog law” to insure its proper enforcement, with suitable reward for killing of unlicensed and stray dogs; to foster the sheep and wool industry as one of our most profitable resources.

Third—The appointment of a competent commission to draft a municipal code for the uniform government of all cities and towns in the state.

Further Resolved, That a copy of these resolutions be sent to each of our local representatives in the Senate and House, to the Honorable John J. Cornwell, Governor, and to each of the other Rotary Clubs in this state, urging them to take similar action.

Recommended for adoption January 8, 1919.

ROBERT R. WILSON, Chairman Civic Committee,
DR. C. C. JARVIS, Chairman Legislative Section,
ROTARY CLUB OF CLARKSBURG, W. VA.

Referred to the Committee on the Judiciary.

Mr. Kuykendall presented the following communication:

ROMNEY, W. VA., January 11, 1919.

Hon. J. Sloan Kuykendall,

Charleston, W. Va.,

Dear Sir:

The West Virginia association of the deaf met in Charleston August 30-September 2, 1918, and passed the following resolutions:

Resolved, That it is the sentiment of the convention that West Virginia should, like other states, have a law for the compulsory attendance of deaf children at school.

Resolved, That it is the sentiment and the wish of the deaf of West Virginia, in convention assembled, that the schools for the deaf and the blind, located at Romney, should be placed under the board of regents, where they properly belong, and also that steps be taken to have

some provision made in the new compulsory law (the new code) to include the deaf and the blind, if such a thing can be done without much inconvenience. Be it further

Resolved, That the new board of officers be instructed to use all honorable means to carry out the above resolutions to a successful conclusion when the legislature meets this coming winter.

The above resolutions are self-explanatory and will save me the trouble and necessity of going into the matter in detail. I feel sure that you are fully aware that deaf or blind children attend school only a few terms and then they quit and grow up in ignorance.

I am sending you a sample copy of the compulsory law which the deaf would like to have passed by the legislature. Copies have been sent to the governor, the board of control, the Code Commission and a few others. May I depend upon you to find out and arrange as to how a bill to place the schools for the deaf and the blind under the board of regents (in the same class as the state university and the normal schools) should be drawn up?

The officers of the Association are:

President, Chas. D. Seaton, Romney, W. Va.

First Vice-President, John Bremer, Wheeling, W. Va.

Second Vice-President, Mrs. Minnie Auldridge, Charleston, W. Va.

Secretary, Oren Carney, Charleston, W. Va.

Treasurer, R. Nevil Marshall, Franklin, Pa.

We earnestly hope that the above resolutions will receive favorable consideration from the legislature as they will save many afflicted children who are growing up ignorant and becoming a charge upon society.

Sincerely yours,

CHAS. D. SEATON, *President, W. Va. Asso.*

Referred to the Committee on Education.

Mr. Hall offered the following resolution:

"WHEREAS, Many years have elapsed since the code of West Virginia was revised and codified, and,

"WHEREAS, The laws in many instances have become conflicting, ambiguous and obsolete, therefore be it,

"*Resolved*, That the Committee on the Judiciary be requested to inquire into the expediency of a complete revision of the code and report by bill or otherwise."

Which, under the rules, lies over one day.

Mr. Hays (by request) offered the following resolution:

"Resolved: That the Secretary of State be and is hereby directed to furnish to the sergeant-at-arms and the members of this house a penknife and fountain pen. Said supplies to be paid for out of the contingent fund of the House of Delegates."

Which, under the rules, lies over one day.

Resolution, offered by Mr. McClintic on yesterday,

"Resolved, That the Secretary of State be requested to purchase and furnish to each member of the House of Delegates one copy of the code of West Virginia of one thousand nine hundred and thirteen, including the supplement thereto."

Coming up in regular order for consideration, was read and adopted.

House Bill No. 82—"A Bill to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and a graded school building, at Montgomery."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Twyman moved to amend the bill on page one, section two, line two, by striking out the word "passage" and inserting in lieu thereof the words "adoption by a majority of the votes cast at an election held in said district for that purpose."

Pending which,

On motion of Mr. Wysong, the amendment was amended by striking out all of section two.

The bill was then ordered to its engrossment and third reading.

House Bill No. 1—"A Bill to amend and re-enact section five of chapter one hundred and thirty-seven of the code relating to commissioners of courts and commissioners of accounts and the fees to be paid for their services."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 38—"A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 4—"A Bill to repeal chapter thirty-seven of the acts of the legislature of one thousand nine hundred and seventeen, entitled 'An act to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote'".

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hogg's code of one thousand nine hundred and thirteen".

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

A message from the Senate, by Mr. Harman, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 4.

Whereas, The Twin Mountain and Potomac Railroad company has operated a narrow gauge line between Keyser, Mineral county, and Twin Mountain, Grant county, West Virginia, since March one, one thousand nine hundred and thirteen, subject to many losses and disadvantages in its operation as a private enterprise; and

Whereas, Many additional burdens of various kinds grew out of the exigencies of the war situation and laid a crushing weight upon this struggling development, forcing a resolution to sell its property and which it desires to offer, at a very heavy sacrifice to those who have thus far carried it, to the Baltimore and Ohio Railroad company, the one logical corporate body to operate the line; and

Whereas, The state of West Virginia would suffer heavily in depriving the wonderful orchard developments located along this line of adequate transportation facilities practically impossible to otherwise replace, and would further be subject to an almost irreparable back-set in withholding from an anxious market much good timber, and large quantities of mine props, pulp wood, mine ties, tan bark, cross-ties, locust and walnut wood, and at the same time denying to

labor the incidental means of livelihood and to which it necessarily turns with the approach of winter; therefore be it

Resolved, That the legislature of West Virginia declares it to be the sense of this body that it is the duty of the director general of railroads to halt this backward step and urge by all proper means the operation of The Twin Mountain and Potomac railroad by the Baltimore and Ohio Railroad company, believing that public interest demands the preservation of the many enterprises which will be so seriously affected if not actually destroyed.

Ordered, That the governor be requested to forward a copy of this resolution forthwith to William G. McAdoo, director general of railroads, or his successor, at Washington, D. C.

And asked the concurrence of the House therein.

House Bill No. 5—"A Bill to amend chapter one hundred twenty of the code, by adding thereto section nine, relating to the duties of prosecuting attorneys".

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 27—"A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine, of the code of West Virginia, Barnes edition one thousand nine hundred and sixteen, relating to discharge of persons indicted for felony upon failure of state to try".

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 60—"A Bill to amend and re-enact section thirteen of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 83—"A Bill to amend chapter twenty-five of the code of West Virginia, relating to rules and pleadings by adding thereto a section preventing the dismissal of meritorious actions at law, suits in equity or other proceedings because of mischoice of the form of action or the forum."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 70—"A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen".

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 43—"A Bill to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 10—"A Bill relating to pure drinking water for live stock in transit".

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-a, sixty-seven-b, sixty-seven-c, sixty-seven-d and sixty-seven-e, relating to inspection of factories, mercantile establishments, mills or workshops."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 48—"A Bill to require railroads to provide safe and convenient caboose cars on freight trains, and imposing a penalty for failure so to do."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, the bill was re-committed to the Committee on Railroads.

House Bill No. 49—"A Bill to provide sufficient crews for freight trains operating in this state."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, the bill was re-committed to the Committee on Railroads.

On motion of Mr. Houvouras, unanimous consent being given,

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

Was ordered to be printed immediately.

On motion of Mr. Moore, leave of absence, for a period of two days, was granted to Mr. Stover.

On motion of Mr. Ferguson, indefinite leave of absence was granted to Mr. Lester.

On motion of Mr. Weiss, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. Houston G. Young, Secretary of State, appeared at the bar of the House and presented the 1919 Budget and 1919 Budget Bill, also copy of the Budget amendment to the Constitution.

Unanimous consent being given, Mr. Parsons introduced

House Bill 105-a—"A 'Budget Bill' making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budget Amendment'."

Referred to the Committee on Taxation and Finance.

Mr. James W. Weir, Private Secretary to the Governor, presented a special message from the Governor.

Thereupon,

The Speaker laid before the House the said message and directed that it be read by the Clerk.

SPECIAL MESSAGE.

To the Members of the Senate and the House of Delegates:

I respectfully transmit herewith a report of the New Virginia Debt Commission, embracing the last order entered by the supreme court of the United States in the civil suit of the commonwealth of Virginia vs. the state of West Virginia and the correspondence had with the Virginia commission in an effort to find a basis of settlement which the commission might recommend to the legislature. At the time my regular message was prepared there were indications that a basis could be found upon which the commission might base a recommendation, but as set out by the commission upon consideration of details that hope was dissipated.

The commission, of which the governor is *ex-officio* chairman, having been unable to accomplish anything in the way of negotiating a tentative settlement which it could submit to you with a favorable recommendation, there was, and is no alternative for the commission or for me save to place the facts before you for such action as you may, in your wisdom, see proper to take.

Respectfully submitted,

J. J. CORNWELL, *Governor*.

Referred to the Committee on the Virginia Debt.

On motion of Mr. Grove, indefinite leave of absence was granted to Mr. Perin.

Unanimous consent being given, the following bills were introduced:

By Mr. Howard:

House Bill No. 110—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

Referred to the Committee on the Judiciary.

By Mr. Spangler:

House Bill No. 111—"A Bill to authorize the board of Education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

Referred to the Committee on Education.

By Mr. Richards:

House Bill No. 112—"A Bill to amend and re-enact section thirty-four of chapter one hundred and forty-five, of the code of West Virginia."

Referred to the Committee on the Judiciary.

And,

House Bill No. 113—"A Bill to amend and re-enact section twenty-seven-b of chapter one hundred and forty-five of the code of West Virginia."

Referred to the Committee on the Judiciary.

By Mr. McClintic:

House Bill No. 106—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, sixty-four, ninety-seven, one hundred five, one hundred seven, one hundred nine, one hundred twenty, one hundred twenty-one, one hundred thirty, and adding sections forty, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred four, of chapter thirty-two of Barnes' code, one thousand nine hundred and eighteen, relating to regulations respecting licenses and license taxes."

Referred to the Committee on Taxation and Finance.

By Mr. Taylor:

House Bill No. 107—"A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the said state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

Referred to the Committee on Taxation and Finance.

By Mr. Parsons:

House Bill No. 108—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."

Referred to the Committee on the Judiciary.

By Mr. McClaren (by request):

House Bill No. 109—"A Bill vesting a discretional power and authority in the several county courts of the state to make an equita-

ble settlement and adjustment with contractors for work upon roads and bridges in certain class of cases."

Referred to the Committee on Roads and Internal Navigation.

On motion of Mr. McClintic, unanimous consent being given, House Bill No. 106 was ordered to be printed immediately.

On motion of Mr. Hamilton, unanimous consent being given, House Bill No. 11 was ordered to be printed immediately.

On motion of Mr. Anderson, the House adjourned until 10 o'clock, A. M., Monday, January 20, 1919.

MONDAY, JANUARY 20, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. J. M. Knight, of the United Brethren Church, of Charleston.

Pending the reading of the journal of Friday, January 17th,

On motion of Mr. Sarver, the further reading thereof was dispensed with.

The Speaker announced the following appointments on

COMMITTEE ON THE VIRGINIA DEBT:

Messrs. Weiss, chairman; McClintic, Swisher, Neale (of Cabell), McClaren, Twyman, Cuppett, Brand, Hickman, Perin, Williams (of Pleasants), Thurmond, Hall, McCauley, Kern.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 100—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen, (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."

Also,

House Bill No. 52—"A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

And,

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 32—"A Bill to amend and re-enact chapter one hundred and thirty-nine of the code of West Virginia, by adding thereto a new section, so as to require, for the protection of purchasers for valuable consideration, a notice to be filed of the pendency of every action in ejectment, suit or proceeding at law or in equity which affects the title to real estate."

And report the same back with the recommendation that it do not pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 32, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 111—"A Bill to authorize the board of Education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

G. T. SARVER, *Chairman.*

Mr. McClintic from the Committee on Rules, introduced the following resolution:

Resolved, That the Clerk of the House be, and he is hereby authorized to appoint two additional printing clerks, and two additional copy holders, and one additional stenographer, who shall receive the pay of assistant clerks and one messenger who shall receive the pay of four dollars per day."

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Mr. McClintic, from the Committee on Rules, introduced the following resolution:

Resolved, That the Speaker of the House be, and he is hereby authorized to appoint for the House of Delegates four additional clerks, one to be known as supervisor of clerks, and who shall have general supervision over the distribution of the work of the several clerks at a per diem of six dollars per day each.

One additional watchman, to receive the pay of four dollars per day; one assistant gallery door-keeper, to receive the pay of three dollars per day.

One additional stenographer for the benefit of the several committees that have no stenographer assigned, who shall receive six dollars per day.

Two additional cloak room keepers, to receive the pay of four dollars per day.

One toilet room attendant to receive the pay of four dollars per day.

One clerk to the Sergeant at Arms, who shall receive five dollars per day.

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Moore (by request):

House Bill No. 114—"A Bill to amend and re-enact section eight-a of chapter one hundred and fifty of Barnes' code of West Virginia of one thousand nine hundred and sixteen, relating to physicians and surgeons, and examination and qualification of same, and setting forth who are deemed practitioners."

Referred to the Committee on the Judiciary.

And, (by request):

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

Referred to the Committee on the Judiciary.

By Mr. Hall:

House Bill No. 116—"A Bill relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof."

Referred to the Committee on Taxation and Finance.

And,

House Bill No. 117—"A Bill to make gas pipe lines public service corporations and common carriers within this state."

Referred to the Committee on Taxation and Finance.

By Mr. Godfrey,

House Bill No. 118—"A Bill to standardize checks and drafts of banks, trust companies, banking institutions, corporations, firms and persons."

Referred to the Committee on Private Corporations and Joint Stock Companies.

By Mr. Pettigrew (by request):

House Bill No. 119—"A Bill to amend chapter fifteen-h of Hogg's and Barnes' codes of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five-forty-two-a of Hogg's code, providing for the establishment and location of a state hospital in the town of St. Albans, in the county of Kanawha, which shall be known as St. Albans Hospital No. 4."

Referred to the Committee on Humane Institutions and Public Buildings.

By Mr. Brand:

House Bill No. 120—"A Bill granting to persons or corporations owning mineral lands the right to condemn a right of way over adjacent or intervening lands to connect such mineral lands with a railroad or navigable stream, and declaring such right of way to be for a public use."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 121—"A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."

Referred to the Committee on Counties, Districts and Municipal Corporations.

And,

House Bill No. 122—"A Bill to prohibit the teaching of the german language and german literature in the schools of this state and to provide a penalty therefor."

Referred to the Committee on Education.

By Mr. Calhoun:

House Bill No. 123—"A Bill to amend chapter forty-three, Barnes' code, one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-a, authorizing county courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Coon:

House Bill No. 124—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

Referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Harmer, announced the passage by that body of

Senate Bill No. 3—"A Bill to amend and re-enact section six of chapter seventy-two of the code of West Virginia, relating to sale under trust deeds."

Also,

Senate Bill No. 4—"A Bill to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia, relating to compensation of commissioners."

And

Senate Bill No. 6—"A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of

the acts of the legislature of the year one thousand nine hundred and seventeen."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Sanders, announced the passage by that body of

Senate Bill No. 8—"A Bill to require judgments and decrees of the circuit and district courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia."

Also,

Senate Bill No. 10—"A Bill to amend and re-enact section five of chapter one hundred and thirty-three of the code of West Virginia of one thousand nine hundred and thirteen, relating to bills of review and the limitation thereof."

Also,

Senate Bill No. 13—"A Bill to amend and re-enact sections three, seventeen and eighteen of chapter one hundred and thirty-five of the code of West Virginia, one thousand nine hundred and thirteen, prescribing the limitations for writs of error and appeals."

Also,

Senate Bill No. 14—"A Bill to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by section one of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, of chapter twenty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and seven as amended by section four of chapter five, of the extra session of the acts of the legislature of West Virginia of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia."

Also,

Senate Bill No. 16—"A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, one thousand nine hundred and thirteen."

And,

Senate Bill No. 17—"A Bill to fix the salaries of the governor and the judges of the supreme court of appeals."

And asked the concurrence of the House therein.

Unanimous consent being given,

On motion of Mr. McPherson,

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."

Was temporarily withdrawn from the Committee on Immigration and Agriculture, for needed changes.

The following resolution, introduced by Mr. Hall on Friday last,

"WHEREAS, Many years have elapsed since the code of West Virginia was revised and codified, and

"WHEREAS, The laws in many instances have become conflicting, ambiguous and obsolete; therefore be it

"Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of a complete revision of the code and report by bill or otherwise."

Coming up in regular order for consideration, was read by the Clerk and adopted.

The following resolution, introduced by Mr. Hayes (by request)

"Resolved, That the Secretary of State be and is hereby directed to furnish to the sergeant-at-arms and the members of this house a penknife and fountain pen. Said supplies to be paid for out of the contingent fund of the House of Delegates."

Coming up in regular order for consideration, was,

On motion of Mr. McClintic, laid over for one day, retaining its place on the calendar.

A message from the Senate, by Mr. Stewart, announced the passage by that body of

Senate Bill No. 43—"A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."

And,

Senate Bill No. 44—"A Bill to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion."

And asked the concurrence of the House therein.

On motion of Mr. Kuykendall, leave of absence, for one day, was granted to Mr. Bray.

On motion of Mr. McClintic, an indefinite leave of absence was granted to Mr. Nutter, on account of illness.

On motion of Mr. Fortney, an indefinite leave of absence was granted to Mr. Shaw, on account of very serious illness.

A message from the Senate, by Mr. Poling, announced the passage by that body of

Senate Bill No. 32—"A Bill to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code, relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterwards bring a second cause of action against them."

And asked the concurrence of the House therein.

House Bill No. 82—"A Bill to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and a graded school building, at Montgomery."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lantz, Mahan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Parsons, Peck, Pedigo, Pettigrew, Pride-more, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—71.

The noes were:

Mr. Neal (of Webster)—1.

Absent and not voting:

Messrs. Bray, Clements, Coberly, Cosner, Cox, Ferguson, Kuykendall, Lester, Miller, Mollohan, Nutter, Neal (of Webster), O'Connor, Otto, Perin, Shaw, Stover, Summers, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—21.

Mr. Wysong moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Bray, Clements, Coberly, Cosner, Cox Ferguson, Lester, Mollohan, Nutter, O'Connor, Otto, Perin, Shaw, Stover, Summers, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—18.

Ordered, That Mr. Wysong communicate to the Senate the passage of the bill (H. B. No. 82) and ask concurrence therein.

House Bill No. 1—"A Bill to amend and re-enact section five of chapter one hundred and thirty-seven of the code relating to commissioners of courts and commissioners of accounts and the fees to be paid for their services."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Calhoun, Capehart, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hays, Hendricks, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Moore, Moran, Moulds, Musser, McClaren, McClintic, McVey, Neale (of Cabell), Peck, Pedigo, Pettigrew, Pridemore, Richards, Scott, Shomo, Spangler, Starcher, Sturm, Swisher, Thomas, Twyman, Vaughn, Weiss, and Wysong—56.

The noes were:

Messrs. Byrnes, Ferguson, Hall, Hamilton, Harvey, Hersman,

Hobbs, Lantz, Morris, McCauley, McDermitt, McPherson, Neal (of Webster), Parsons, Rankin, Rouss, Sarver, Taylor, Thurmond and Wolf (Speaker)—20.

Absent and not voting:

Messrs. Bray, Clements, Coberly, Cosner, Cox, Lester, Mollohan, Nutter, O'Connor, Otto, Perin, Shaw, Stover, Summers, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—17.

Ordered, That Mr. Anderson communicate to the Senate the passage of the bill (H. B. No. 1) and ask concurrence therein.

House Bill No. 38—"A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Sturm, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—76.

The noes were: None.

Absent and not voting:

Messrs. Bray, Coberly, Cosner, Cox, Lester, Mollohan, Nutter, O'Connor, Otto, Perin, Shaw, Stover, Summers, Taylor, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—17.

Mr. Anderson moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon,

Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—77.

The noes were: None.

Absent and not voting:

Messrs. Bray, Coberly, Cosner, Cox, Lester, Mollohan, Nutter, O'Connor, Otto, Perin, Shaw, Sturm, Summers, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 38) takes effect from its passage.

Ordered, That Mr. Anderson communicate to the Senate the passage of the bill and request concurrence therein.

On motion of Mr. Moran, the action of the House, on Friday last, in passing from second to third reading,

House Bill No. 4—"A Bill to repeal chapter thirty-seven of the acts of the legislature of one thousand nine hundred and seventeen, entitled 'An act to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote.'"

Was reconsidered, and the bill placed back on second reading.

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hogg's code of one thousand nine hundred and thirteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Hou-

vouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wy-song and Wolfe (Speaker)—77.

The noes were:

Mr. Clements—1.

Absent and not voting:

Messrs. Bray, Cosner, Cox, Lester, Mollohan, Musser, Nutter, O'Connor, Otto, Perin, Shaw, Summers, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—15.

Ordered, That Mr. Richards communicate to the Senate the passage of the bill (H. B. No. 6) and ask concurrence therein.

Unanimous consent being given, the following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Godfrey:

House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

Referred to the Committee on the Judiciary.

By Mr. McClintic:

House Bill No. 126—"A Bill to provide for the recording of affidavits as to the birth, marriage, death, name, residence, identity or relationship of parties to instruments effecting real estate and the use of the same in evidence."

Referred to the Committee on the Judiciary.

By Mr. Fortney (of Preston):

House Bill No. 127—"A Bill to levy a privilege tax on the transportation of natural gas by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax and defining the duties of said tax commissioner hereunder."

Referred to the Committee on Taxation and Finance.

By Mr. Howard (by request):

House Bill No. 128—"A Bill to amend and re-enact subsection two of section one; subsection five of section one; section two; section

six; all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen; and to add to said chapter section three-a and section six-a, all relating to the public health."

Referred to the Committee on the Judiciary.

By Mr. Cuppett:

House Bill No. 129—"A Bill to amend chapter forty-two of the code of West Virginia, relating to the condemnation of private property for public use, by adding section twenty-seven thereto."

Referred to the Committee on the Judiciary.

Mr. Cox, the delegate-elect from the county of Wirt, appeared and qualified by taking and subscribing to the several oaths prescribed by section sixteen of article six of the Constitution of the state of West Virginia.

Mr. Moore (by request) presented the following communication:

*State of West Virginia, County of Marshall,
the City of Moundsville, to-wit:*

At a regular meeting of the city council, held Monday, January thirteen, one thousand nine hundred and nineteen, the following was entered of record in the minutes of said council, to-wit:

"Upon the motion of Councilman Williams, and seconded by Councilman Hess, the following resolution was unanimously adopted, to-wit:

RESOLUTION.

"WHEREAS, There appears to be some demand on the part of some of the cities and towns of West Virginia, that a general law be passed by the legislature of West Virginia, now in session, amending the present law in regard to laying a levy for the purpose of taxation by cities and towns, authorizing them to lay a levy in excess of the present rate allowed by law; and

"WHEREAS, The council of the city of Moundsville, in the county of Marshall, has information that a meeting of the mayors of all cities and towns in West Virginia has been called to meet at Charleston, West Virginia, to advocate such amendment of our present law and to recommend to the said legislature the passage of such a law authorizing a greater rate of levy for municipal purposes than now permitted by law; and

"WHEREAS, It is understood that one of the purposes of such meeting of mayors is to recommend the exact rate that should be enacted into law by such proposed amendment of the present law; therefore be it

“Resolved, By the council of the city of Moundsville, that it opposes any change in, or amendment to, the present law, chapter twenty-eight-a, section four, serial section eight hundred seventy-seven of the code of one thousand nine hundred thirteen, limiting the common council of cities and towns from laying any levy under the provisions of said section four of said chapter twenty-eight-a in excess of thirty-five cents on each one hundred dollars of valuation; that the present general law on this subject is sufficient to meet all needed demands of the city of Moundsville; that if any city or town desires the right to lay a greater rate of levy than now allowed by law, it should be done by special act of the legislature and not by general law. Be it further

“Resolved, That the clerk of the city of Moundsville, make five copies of these resolutions and certify the same under the official seal of the city, and that said clerk send one copy thereof to the Speaker of the House of Delegates, and one copy thereof to the President of the Senate of the legislature of West Virginia, and a copy thereof to each of the following members of said legislature, that is to say: Honorable George W. Byrnes, Honorable Everett F. Moore, Senator Walter F. Burgess and Senator C. H. Hunter. Be it further

“Resolved, That the above named members of said legislature voice the sentiments of the great majority of the citizens and tax-payers of the city of Moundsville, which is herein expressed, by opposing any amendment to the general law authorizing any increase in said rate of levy, and the said members of said legislature are hereby asked to vote against any such amendment to the general law of the state.”

I, L. L. Stidger, clerk of the city of Moundsville, Marshall county, West Virginia, certify that the foregoing is a true copy of an entry made in the records of the minutes of said council as above stated.

L. L. STIDGER, *Clerk.*

Referred to the Committee on Counties, Districts and Municipal Corporations.

On motion of Mr. Moore, the House reconsidered the vote by which

House Bill No. 57—“A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same.”

Was rejected, and

On the further motion of the same gentleman, the bill was re-committed to the Committee on the Judiciary.

On motion of Mr. Weiss, the House recessed until 2 o'clock P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Unanimous consent being given, the following bills were introduced:

By Mr. Jones:

House Bill No. 130—"A Bill to amend and re-enact sections one hundred and twenty-nine, one hundred and thirty-two and one hundred and thirty-three of the regular session of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, in regard to the registration fee on motor vehicles."

Referred to the Committee on Immigration and Agriculture.

By Mr. Coleman:

House Bill No. 131—"A Bill to provide for the suppression of mob violence, and for the remuneration and proper distribution to dependents of or legal representatives of victims of lynchings, and punishment for participation in same."

Referred to the Committee on the Judiciary.

House Bill No. 55—"A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 61—"A Bill to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 16—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

On second reading, coming up in regular order for consideration,

was read a second time and ordered to its engrossment and third reading.

House Bill No. 35—"A Bill authorizing the board of education of Union Independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 45—"A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Hale, the bill was amended on page four, by striking out all of section four and inserting in lieu thereof the following:

"Sec. 4. Said county court is authorized to lay a levy not to exceed ten cents on every one hundred dollars of valuation of the taxable property in the county, according to the last assessment thereof, for the year one thousand nine hundred and nineteen; to lay a levy not to exceed seven and one-half cents on every one hundred dollars of valuation of the taxable property in the county, according to the last assessment thereof, for the year one thousand nine hundred and twenty; and to lay a levy not to exceed five cents on every one hundred dollars of valuation of the taxable property in the county, according to the last assessment thereof, for the year one thousand nine hundred and twenty-one, and each succeeding year thereafter, to pay the expenses and cost of establishing and maintaining said clinic which shall be known as the dental clinic fund.

The bill was then ordered to its engrossment and third reading.

House Bill No. 5—"A Bill to amend chapter one hundred and twenty of the code, by adding thereto section nine, relating to the duties of prosecuting attorneys."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 27—"A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine, of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to discharge of persons indicted for felony upon failure of state to try."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. McClintic, the bill was amended on page four, by striking out all of lines fifteen and sixteen.

The bill was then ordered to its engrossment and third reading.

House Bill No. 60—"A Bill to amend and re-enact section thirteen of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 83—"A Bill to amend chapter twenty-five of the code of West Virginia, relating to rules and pleadings by adding thereto a section preventing the dismissal of meritorious actions at law, suits in equity or other proceedings because of mischoice of the form of action or the forum."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 70—"A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

A message from the Senate, by Mr. Morton, announced the passage by that body of

Senate Bill No. 35—"A Bill to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers."

And,

Senate Bill No. 36—"A Bill dispensing with the necessity of any natural person affixing a seal to any deed, trust deed, mortgage, lease or other writing conveying, selling or agreeing to sell, leasing, renting or encumbering real estate, and making valid such instruments of writing heretofore executed by any natural person, lacking such seal, and making the same evidence; and providing that an action of covenant may be maintained thereon for the breach of any covenant or warranty therein."

And asked concurrence of the House therein.

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as sections thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 10—"A Bill relating to pure drinking water for live stock in transit."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. McClintic, the bill was amended in section two, line one, by striking out after the word "company" the words "or any one who is in charge of any such shipping point."

On motion of Mr. Pettigrew, the bill was amended in section two, line two, by striking out the word "who" and inserting in lieu thereof the word "which."

The bill was then ordered to its engrossment and third reading.

House Bill No. 43—"A Bill to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add

thereto sections sixty-seven-a, sixty-seven-b, sixty-seven-c, sixty-seven-d and sixty-seven-e, relating to inspection of factories, mercantile establishments, mills or workshops."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. McClintic, severally made, the bill was amended on page four, section six, line fourteen, by striking out after the word "be" the words "not less than."

On same page, same section, line seventeen, by striking out after the word "shall" the words "not to exceed" and inserting in lieu thereof the word "be".

On same page, same section, line eighteen, by striking out after the word "salary" the words "not to exceed" and inserting in lieu thereof the word "of".

On the same page, same section, line twenty, by striking out after the word "shall" the words "not exceed" and insert in lieu thereof the word "be".

Mr. Hall moved to amend the bill on same page, same section, line eleven, by inserting after the word "into" the words "not to exceed".

Pending which,

On motion of Mr. Wysong, the bill was laid over, retaining its place on the calendar.

A message from the Senate, by Mr. Hough, announced the passage by that body of

Senate Bill No. 25—"A Bill to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia of the year eighteen hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia."

To take effect from its passage.

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Sanders, announced the passage by that body of

Senate Bill No. 7—"A Bill to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia."

Also,

Senate Bill No. 9—"A Bill to amend and re-enact section twenty-five of chapter one hundred and thirty-one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regu-

lating the instructions by courts to juries and relating to demurrers to evidence."

And,

Senate Bill No. 18—"A Bill to amend and re-enact chapter nine of the acts of the legislature of West Virginia, section one thousand nine hundred and fifteen, granting a charter to the city of Bluefield."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Sanders, announced the concurrence of that body in the passage of

House Bill No. 38—"A Bill to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."

A message from the Senate, by Mr. Gribble, announced the passage by that body of

Senate Bill No. 71—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

And asked the concurrence of the House therein.

House Bill No. 94—"A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 11—"A Bill to amend, revise and consolidate into one act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, 'An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county,' and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five, February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 14—"A Bill pertaining to the public health."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 96—"A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to lay a special levy to provide funds for paying same with interest."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

SENATE JOINT RESOLUTION No. 4—"Relating to the Twin Mountain and Potomac Railroad Company."

On first reading, coming up in regular order for consideration, was read a first time and referred to the Committee on Railroads.

On motion of Mr. Moore, an indefinite leave of absence was granted to Mr. Perin, on account of illness.

On motion of Mr. Rankin, an indefinite leave of absence was granted to Mr. Williams, of Pleasants county, on account of illness.

The Speaker announced the following additional appointments:

Chamber Watchman—John Campbell.

Clerk to Sergeant at Arms—Mary Bowen.

Assistant Gallery Doorkeeper—E. E. Lowdin.

Committee Clerks—A. M. Wait, R. B. Ferguson and E. M. Arbuckle.

Cloak Room Keepers—S. H. Hughes and G. Z. McClung.

Toilet Room Keeper—Charles Turner.

Pages—Albert Mayor, Kenneth Bowyer and Donald B. Rudesill.

Official Chaplain—Rev. J. M. Knight.

On motion of Mr. McVey, the House adjourned.

TUESDAY, JANUARY 21, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. J. M. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Howard, the further reading thereof was dispensed with.

Mr. McClintic, from the Committee on Rules, submitted the following resolution:

Resolved, That John A. Jefferson, W. O. Davis, Harvey Johnson, James Bass and W. C. Sisson each be paid for seven days work at \$3.00 per day, and that R. Harris be paid for six days work at \$3.00 per day, and that George Saunders be paid for two days work at \$3.00 per day, for extra janitor work cleaning the House of Delegates for this session of the legislature, and that the sargeant-at-arms of the House of Delegates is hereby authorized and directed to draw his warrant on the auditor for the above named amounts, payable out of the contingent fund for the House of Delegates, and the auditor is directed to pay same in advance of the passage of the appropriation bill."

On motion of the same gentleman, the resolution was taken up for immediate consideration, and adopted.

Mr. Brand, from the Committee on Humane Institutions and Public Buildings, submitted the following report, which was received:

Your Committee on Humane Institutions and Public Buildings has had under consideration,

House Bill No. 19—"A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the mangement of such institution."

And,

House Bill No. 15—"A Bill to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

F. M. BRAND, *Chairman.*

Mr. Brand, from the Committee on Humane Institutions and Public Buildings, submitted the following report, which was received:

Your Committee on Humane Institutions and Public Buildings has had under consideration,

House Bill No. 90—"A Bill to establish a home for indigent colored people, to provide for the admittance of residents thereto and the management and control, thereof; providing for payment to the state by county courts of counties having persons in said home and the method thereof and repealing acts and parts of acts inconsistent therewith."

And report the same back with the recommendation that it do not pass,

Respectfully submitted,

F. M. BRAND, *Chairman.*

House Bill No. 90, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 128—"A Bill to amend and re-enact subsection two of section one; subsection five of section one; section two; section six; all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen; and to add to said chapter section eight-a and section six-a, all relating to the public health."

And report the same back with the recommendation that it be referred to the Committee on Medicine and Sanitation.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. McClintic offered the following resolution:

HOUSE CONCURRENT RESOLUTION NO. 4, relative to dockets of the circuit courts:

Resolved, by the House of Delegates, the Senate concurring therein, That the auditor be, and he is hereby, requested to furnish a statement to the Senate and House of Delegates showing the number of cases upon the dockets of the various circuit and other courts in the state of West Virginia as reported to his office as required by law. Such statement should show the chancery causes, the law causes, civil and criminal, and, if the information is in the Auditor's Office, it should also show the number of jury trials in each such court during the last available two years, and the number of days that the court was in session in each year."

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration, and adopted.

Mr. Rankin presented the following communication:

THE ROTARY CLUB OF HUNTINGTON.

HUNTINGTON, W. VA., January 18, 1919.

HON. J. LUTHER WOLFE,
Speaker of the House,
Charleston, W. Va.

Dear Sir:

Believing the industrial development and progress of West Virginia depends largely upon the ability of this state to furnish ample fuel to industries located within its borders, the Huntington Rotary Club at its meeting on January thirteenth, unanimously adopted a resolution favoring the conservation of West Virginia's natural gas for the benefit of West Virginians, and instructed the secretary to bring their action to the attention of the legislative bodies of this state.

Yours respectfully,

R. F. ADAMS, *Secretary*.

Referred to the Committee on the Judiciary.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. McClintic:

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine

hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

Referred to the Committee on Game and Fish.

By Mr. Ferguson:

House Bill No. 133—"A Bill to amend and re-enact clause F, of section eight-*b* (14) of chapter five, of the one thousand nine hundred and sixteen code of West Virginia, relating to the appointment of deputies by candidates."

Referred to the Committee on the Judiciary.

And,

House Bill No. 134—"A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."

Referred to the Committee on Roads and Internal Navigation.

Resolution offered by Mr. Hays (by request):

Resolved, That the Secretary of State be and is hereby directed to furnish to the sergeant-at-arms and the members of this house a penknife and fountain pen. Said supplies to be paid for out of the contingent fund of the House of Delegates.

Coming up in regular order for consideration, the vote being taken, was rejected.

House Bill No. 55—"A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo,

Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—82.

The noes were: None.

Absent and not voting:

Messrs. Bray, Cox, Houvouras, Mollohan, Nutter, Otto, Perin, Shaw, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—11.

Ordered, That Mr. Brand communicate to the Senate the passage of the bill (H. B. No. 55) and ask concurrence therein.

House Bill No. 61—"A Bill to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—81.

The noes were: None.

Absent and not voting:

Messrs. Bray, Coberly, Lester, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—12.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 61) and ask concurrence therein.

House Bill No. 16—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

Unanimous consent being given,

On motion of Mr. Kuykendall, the bill was amended on page four, line eighteen, by striking out after the word "levy" the word "or" and inserting in lieu thereof the word "and".

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—76

The noes were: None.

Absent and not voting:

Messrs. Bray, Coberly, Coleman, Cosner, Hamilton, Hilleary, Lester, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Plesants)—17.

Mr. Howard moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Ran-

kin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—78.

The noes were: None.

Absent and not voting:

Messrs. Bray, Coberly, Coleman, Cosner, Hamilton, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—15.

So, two-thirds of the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 16) takes effect from its passage.

Ordered, That Mr. Howard communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 35—"A Bill authorizing the board of education of Union independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pride-more, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—79.

The noes were: None.

Absent and not voting:

Messrs. Bray, Coberly, Cosner, Hall, Hamilton, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—14.

Ordered, That Mr. Miller communicate to the Senate the passage of the bill (H. B. No. 35) and ask concurrence therein.

House Bill No. 45—"A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wolfe (Speaker)—49.

The noes were:

Mr. Jones—1.

Absent and not voting:

Messrs. Bray, Coberly, Cosner, Hobbs, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio), and Williams (of Pleasants)—13.

Mr. Howard moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Bannister, Bland, Brand, Brammer, Calhoun, Capehart, Clements, Coleman, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Kern, Lantz, Mahan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm,

Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong, and Wolfe (Speaker)—68.

The noes were:

Messrs. Blackhurst, Kuykendall, Miller and Neal (of Webster)—4.

Absent and not voting:

Messrs. Blizzard, Bray, Byrnes, Coberly, Coon, Cosner, Cox, Hobbs, Jones, Lester, Mollohan, Morris, Nutter, Otto, Perin, Rouss, Shaw, Thomas, Vanmeter, Williams (of Ohio), and Williams (of Pleasants)—21.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 45) takes effect from its passage.

Ordered, That Mr. McClaren communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 5—"A Bill to amend chapter one hundred twenty of the code, by adding thereto section nine, relating to the duties of the prosecuting attorneys."

On third reading, coming up in regular order for consideration, was read a third time and was rejected.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brammer, Byrnes, Capehart, Coleman, Coon, Cox, Fitch, Hackney, Hamilton, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, Neale (of Cabell), Peck, Pedigo, Pettigrew, Richards, Taylor, Twyman, Weiss and Wysong—39.

The noes were:

Messrs. Bland, Brand, Calhoun, Clements, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hall, Harvey, Hays, Hersman, Lantz, Lester, Miller, Morris, Musser, McDermitt, McPherson, Neal (of Webster), O'Connor, Parsons, Pridemore, Rankin, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Vaughn and Wolfe (Speaker)—40.

Absent and not voting:

Messrs. Bray, Coberly, Cosner, Hale, Mollohan, McVey, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—14.

So, a majority of the members present not having voted in the affirmative, the bill was rejected.

House Bill No. 27—"A Bill to amend and re-enact section twenty-five of chapter one hundred and fifty-nine, of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to discharge of persons indicted for felony upon failure of state to try."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—77.

The noes were: None.

Absent and not voting:

Messrs. Anderson, Bray, Coberly, Cosner, Hale, Hobbs, Mahan, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 27) and ask concurrence therein.

On motion of Mr. McCauley, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

A message from the Senate, by Mr. Harmer, announced the adoption by that body,

SENATE JOINT RESOLUTION No. 7—"Providing for the adoption of joint rules of the two houses."

Resolved by the Legislature of West Virginia:

That the joint rules of the Senate and House of Delegates adopted January thirty-one, one thousand nine hundred and seventeen, be adopted as the joint rules of the two bodies during the present session, except that Rule two shall provide that two hundred instead of twenty copies of enrolled bills shall be printed under the provisions contained in said rule; except that in the printing of municipal charters, only twenty-five copies thereof shall be printed.

And ask the concurrence of the House therein.

A message from the Senate, by Mr. Morton, announced the passage, by that body,

Senate Bill No. 69—"A Bill to amend and re-enact section three of chapter one hundred and twenty-nine of the one thousand nine hundred and thirteen code of West Virginia, serial section four thousand eight hundred and forty-eight, concerning commissioners in chancery."

And ask the concurrence of the House therein,

House Bill No. 60—"A Bill to amend and re-enact section thirteen of chapter one hundred and thirty seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Swisher, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—64.

The noes were:

Messrs. Ferguson, Hall, Harvey, Neal (of Webster), Rankin, Rouss, Taylor and Thurmond—8.

Absent and not voting:

Messrs. Bray, Coberly, Cosner, Cuppett, Hickman, Hilleary, Kern, Miller, Mollohan, McClaren, Nutter, Otto, Perin, Shaw, Stover, Sturm, Summers, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—21.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 60) and ask concurrence therein.

House Bill No. 83—"A Bill to amend chapter twenty-five of the code of West Virginia, relating to rules and pleadings by adding thereto a section preventing the dismissal of meritorious actions at law, suits in equity or other proceedings because of mischoice of the form of action or the forum."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Bramer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Moore, Morau, Morris, Moulds, Musser, McCauley, McDermitt, McPherson, Neale (of Cabell), O'Connor, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wyson and Wolfe (Speaker)—73.

The noes were:

Messrs. Bland, McClintic, Neal (of Webster) and Parsons—4.

Absent and not voting:

Messrs. Bray, Cox, Hickman, Hilleary, Miller, Mollohan, McClaren, McVey, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

Ordered, That Mr. John communicate to the Senate the passage of the bill (H. B. No. 83) and ask concurrence therein.

House Bill No. 70—"A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—81.

The noes were:

None.

Absent and not voting:

Messrs. Bray, Hickman, Hilleary, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—12.

Ordered, That Mr. Richards communicate to the Senate the passage of the bill (H. B. No. 70) and ask concurrence therein.

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as sections thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen."

On third reading, coming up in regular order for consideration, was

On motion of Mr. Cuppett, recommitted to the Committee on Insurance.

House Bill No. 10—"A Bill relating to pure drinking water for live stock in transit."

On third reading, coming up in regular order for consideration, was read a third time.

Pending the announcement of the vote,

Mr. John moved that the House reconsider its action of yesterday in passing the bill from second to third reading.

Which motion did not prevail.

The vote was then announced, and the bill passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Bannister, Blizzard, Brand, Byrnes, Calhoun, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pridemore, Rankin, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Vaughn, Wysong and Wolfe (Speaker)—61.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Brammer, Capehart, Clements, Fitch, Hamilton, Hilleary, Kern, Kuykendall, McClaren, McClintic, McVey, Pettigrew, Richards, Thurmond, Twyman and Weiss—19.

Absent and not voting:

Messrs. Bray, Cosner, Hale, Hickman, Mollohan, Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—13.

Ordered, That Mr. Hersman communicate to the Senate the passage of the bill (H. B. No. 10) and ask concurrence therein.

House Bill No. 43—"A Bill to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Hou-

vouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Wysong and Wolfe (Speaker)—77.

The noes were:

Messrs. McDermitt and Pridemore—2.

Absent and not voting.

Messrs. Bray, Cosner, Godfrey, Hickman, Mollohan, Morris Nutter, Otto, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—14.

Mr. Pettigrew moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Mahan, Miller, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Rankin, Richards, Sarver, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Wysong and Wolfe (Speaker)—66.

The noes were:

Messrs. Ferguson, Kuykendall, Lantz, McCauley, Neal (of Webster), Pridemore, Rouss, Scott and Summers—9.

Absent and not voting:

Messrs. Bray, Capehart, Cosner, Godfrey, Hickman, John, Lester, Mollohan, Morris, Nutter, Otto, Perin, Shaw, Shomo, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—18.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 43) takes effect from its passage.

Ordered, That Mr. Wysong communicate to the Senate the passage of the bill and request concurrence therein.

Mr. McVey moved that the House adjourn until tomorrow afternoon, at 2 o'clock, P. M., which motion did not prevail.

On motion of Mr. Harvey, indefinite leave of absence was granted to Mr. Cosner, on account of illness in his family.

Mr. Neale (of Cabell), asked unanimous consent to introduce a bill,

Which consent was not given, Mr. Weiss objecting.

On motion of Mr. Hays, the House adjourned.

WEDNESDAY, JANUARY 22, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Fortney (of Preston), the further reading thereof was dispensed with.

On motion of Mr. Blizzard, indefinite leave of absence was granted to Mr. Vaughn, on account of illness.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your committee on the Judiciary has had under consideration,

House Bill No. 75—"A Bill to amend and re-enact section four of chapter twenty-seven, of the acts of one thousand nine hundred and nine."

Also,

House Bill No. 76—"A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one, relating to weights and measures."

Also,

House Bill No. 114—"A Bill to amend and re-enact section eight-a of chapter one hundred and fifty of Barnes' code of West Virginia of one thousand nine hundred and sixteen, relating to physicians and surgeons, and examination and qualification of same, and setting forth who are deemed practitioners."

Also,

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

Also,

House Bill No. 113—"A Bill to amend and re-enact section twenty-seven-b of chapter one hundred and forty-five of the code of West Virginia."

Also,

House Bill No. 110—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

And,

House Bill No. 104—"A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws".

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 108—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."

Also,

House Bill No. 120—"A Bill granting to persons or corporations owning mineral lands the right to condemn a right of way over adjacent or intervening lands to connect such mineral lands with a railroad or navigable stream, and declaring such right of way to be for a public use."

Also,

House Bill No. 124—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

And,

House Bill No. 99—"A Bill to amend and re-enact section two hundred and nineteen of chapter fifty of Hogg's code of nineteen hundred and thirteen, relative to the jurisdiction of the justice of peace."

And report the same back with the recommendation that they do not pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 108, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 120, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 124, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

Pending the vote,

On motion of Mr. Coon, the bill (H. B. No. 124) was recommitted to the Committee on the Judiciary.

House Bill No. 99, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by purchase, or otherwise, a suitable site and to erect and maintain thereon a building or buildings, or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such memorial may be located, and to lay levies therefor."

And report the same back with recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 116—"A Bill relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 8—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property', twenty-nine, all of sub-division 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five, and sections thirty, thirty-one, and thirty-one-a of chapter forty-seven of the West Virginia code, one thousand nine hundred and sixteen, and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the West Virginia code, one thousand nine hundred and sixteen, relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax levying body, and for the creation and distribution of the general school fund."

And report the same back with the recommendation that it do pass as amended.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration,

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and

licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

And,

House Bill No. 78—"A Bill to amend section four hundred eighty-three (as amended by section thirty-two of Barnes' code of nineteen hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law.' "

And report the same back with the recommendation that they do pass,

Respectfully submitted,

K. H. STOVER, *Chairman.*

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration,

House Bill No. 64—"A Bill requiring the licensing of engineers and operators of stationary steam boilers and engines of more than fifty horse-power, and creating the office of Chief Examiner of Engineers."

And report the same back with the recommendation that it do not pass,

Respectfully submitted,

K. H. STOVER, *Chairman.*

House Bill No. 64, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 122—"A Bill to prohibit the teaching of the german language and german literature in the schools of this state and to provide a penalty therefor."

And report the same back with the recommendation that it do not pass,

Respectfully submitted,

G. T. SARVER, *Chairman.*

House Bill No. 122, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Hersman, from the Committee on Immigration and Agriculture, submitted the following report which was received:

Your Committee on Immigration and Agriculture, has had under consideration,

House Bill No. 58—"A Bill, providing for the protection of sheep and other property; listing, taxing and assessing dogs as personal property."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

A. M. HERSMAN, *Chairman.*

Mr. Hersman, from the Committee on Immigration and Agriculture, submitted the following report which was received:

Your Committee on Immigration and Agriculture, has had under consideration,

House Bill No. 130—"A Bill to amend and re-enact sections one hundred and twenty-nine, one hundred and thirty-two and one hundred and thirty-three of the regular session of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, in regard to the registration fee on motor vehicles."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

A. M. HERSMAN, *Chairman.*

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Anderson:

House Bill No. 135—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, now sections twenty-two and twenty-three of chapter one hundred and thirty-one of Barnes' edition of the code of one thousand nine hundred and eighteen."

Referred to the Committee on the Judiciary.

By Mr. Moore:

House Bill No. 136—"A Bill amending and re-enacting chapter

twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof,' and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven, and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.' "

Referred to the Committee on Counties, Districts and Municipal corporations.

By Mr. Byrnes:

House Bill No. 137—"A Bill to amend and re-enact chapter two of the acts of one thousand nine hundred and five, and chapter one of the acts of one thousand nine hundred and seven of the legislature of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. Neale (of Cabell):

House Bill No. 138—"A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-a, thirty-one-b, thirty-seven and thirty-eight as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, thirty-seven and thirty-eight, inclusive, as parts of chapter thirty-two-a, Barnes' code of West Virginia, one thousand

nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.'"

Referred to the Committee on Prohibition and Temperance.

By Mr. Moran:

House Bill No. 139—"A Bill to amend and re-enact section one of chapter seventy-eight of the code of West Virginia."

Referred to the Committee on the Judiciary.

And,

House Bill No. 140—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia."

Referred to the Committee on the Judiciary.

By Mr. Pettigrew:

House Bill No. 141—"A Bill to amend and re-enact section thirty-seven-a, chapter one hundred and sixty-three, Barnes' code of West Virginia, relating to the penitentiary."

Referred to the Committee on Taxation and Finance.

And,

House Bill No. 142—"A Bill to amend and re-enact section one hundred and sixty-three, chapter fifty of the Barnes West Virginia code, relating to justices of the peace."

Referred to the Committee on the Judiciary.

By Mr. Cuppett:

House Bill No. 143—"A Bill to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the allies during the world war or in any charitable, humane or relief organizations connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings, as memorials to those of them who have died in such service or in any such organization."

Referred to the Committee on the Judiciary.

By Mr. Cunningham (by request):

House Bill No. 144—"A Bill to amend and re-enact section six, of chapter ninety-eight-a, of the code of West Virginia."

Referred to the Committee on the Judiciary.

And,

House Bill No. 145—"A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia,

of nineteen hundred and eight, and sections four and five of chapter nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

Referred to the Committee on the Judiciary.

By Mr. Hackney:

House Bill No. 146—"A Bill to amend and re-enact section six, serial section number four thousand four hundred and ten of chapter one hundred and three of Hogg's West Virginia code of one thousand nine hundred and thirteen, relating to the maximum amount that may be recovered in an action for wrongful death."

Referred to the Committee on the Judiciary.

And,

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. Musser (by request):

House Bill No. 148—"A Bill to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five of the acts of one thousand nine hundred and seventeen."

Referred to the Committee on Roads and Internal Navigation.

By Mr. McPherson (by request):

House Bill No. 149—"A Bill to amend and re-enact chapter sixteen, acts of one thousand nine hundred and fifteen, providing for the establishment of standard weights and measures and for the inspection and sealing of devices used for weighing and measuring commodities."

Referred to the Committee on the Judiciary.

By Mr. Lester:

House Bill No. 150—"A Bill to amend and re-enact section one

hundred and eighteen of chapter forty-five of the code of West Virginia, relating to salaries of county superintendents of free schools."

Referred to the Committee on Education.

Mr. Houvouras offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 5—By the House of Delegates of West Virginia, the Senate concurring therein, that

"WHEREAS, the war, now brought to a victorious close by the associated power of the free nations of the world, was above all else a war to end war and protect human rights; therefore be it

"Resolved, by the Legislature of the state of West Virginia, both Houses concurring, That we favor the establishment of a league of nations of which the United States shall be a member. We believe that such a league should aim at promoting the liberty, progress and orderly development of the world; that it should clinch the victory won at such terrible sacrifice by having the united potential force of all its members as a standing menace against any nation that seeks to upset the peace of the world; be it further

"Resolved, That certified copies of this resolution be sent by the secretary of state to the President and to the presiding officers of both branches of Congress and to each of the United States senators and representatives."

Which, under the rules, lies over one day.

Mr. Godfrey offered the following resolution:

"WHEREAS, the ventilation in the House chamber is very poor, therefore be it

"Resolved, That the sergeant-at-arms be and he is hereby empowered and directed to install two electric fans sufficient in size, not to exceed twenty-four inches in diameter, to completely change the air in the chamber at least five times per hour."

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration, and adopted.

The Speaker announced the appointment of the following standing committee:

JOINT COMMITTEE ON PASSED BILLS ON PART OF THE HOUSE.

Messrs. Godfrey (Chairman), Scott, Grove, Mahan and Peck.

The Clerk announced the following appointments, pursuant to the adoption of the resolution of January 13th:

Leo Grass, page to the Clerk.

Lucy Thornhill, printing clerk.

House Bill No. 4—"A Bill to repeal chapter thirty-seven of the acts of the legislature of one thousand nine hundred and seventeen, entitled 'An act to provide at general and primary elections for double election boards, and to facilitate the counting and declaration of the vote.'"

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Richards, the bill was recommitted to the Committee on the Judiciary.

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-a, sixty-seven-b, sixty-seven-c, sixty-seven-d and sixty-seven-e, relating to inspection of factories, mercantile establishments, mills or workshops."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. McVey, the bill was amended on page one, section six, line two, after the word "employed" by inserting the words "in any factories, mercantile establishments, mills or workshops."

Mr. McVey then moved to amend the bill on page thirteen, by striking out all of section sixty-seven-b.

On that question,

Mr. Stover demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bland, Capehart, Hale, Hays, John, Kuykendall, Lantz, Lester, Mahan, Moran, McClaren, McClintic, McVey, Neal (of Webster), Richards, Rouss, Summers, Thurmond, Twyman and Wysong—21.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Miller, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Neale (of Cabell), O'connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Sarver,

Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Weiss and Wolfe (Speaker)—55.

Absent and not voting:

Messrs. Bray, Cosner, Harvey, Hilleary, Mollohan, McCauley, Nutter, Otto, Pedigo, Perin, Scott, Shaw, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—17.

So, a majority of those present and voting, not having voted in the affirmative, the amendment was not adopted.

On motions of Mr. Pettigrew, severally made, the bill was amended on page four, line fifteen, by striking out the word "necessary" and inserting in lieu thereof the word "actual," and on same page, line twenty-three, by striking out the word "necessary" and inserting in lieu thereof the word "actual."

On motion of Mr. Moore, the bill was amended on page six, line eighteen, by striking out the word "direct" and inserting in lieu thereof the word "directly."

Mr. Hale moved to amend the bill on page fifteen, by inserting after line twenty-two, a new section, as follows:

"Section sixty-seven-d and one-half. Nothing in this act shall be construed to relate to any coal mine in this state or to any mercantile establishment, machine shop, mill or power plant connected therewith."

Which motion did not prevail.

Mr. McClintic moved to amend the bill by striking out all of section sixty-seven-c.

And on that question demanded the ayes and noes.

The demand being sustained, they were ordered taken.

Pending the roll call,

Mr. Wysong moved to amend the amendment in line one of section sixty-seven-c by adding after the word "hereafter" the word "wrongfully."

Which motion did not prevail.

Mr. Godfrey moved to amend the amendment in line two of section sixty-seven-c by striking out after the word "discharge" the words "or lay off."

Which amendment did not prevail.

On motion of Mr. John, the bill was amended by adding to section sixty-seven-c the words:

"This section shall not apply in case of bankruptcy, assignment or

other legal disability of the employer to pay any wages so due and owing, or in case of shutdown or other cessation of operations."

On motion of Mr. Moore, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

The roll was then called on the amendment offered by Mr. McClintic.

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Byrnes, Cunningham, Hall, Hamilton, Hays, Kern, Kuykendall, Lantz, Lester, McClaren, McClintic, McVey, Neal (of Webster), Peck, Rouss, Scott, Summers, Thurmond and Twyman—22.

The noes were:

Messrs. Bannister, Blizzard, Brand, Brammer, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hendricks, Hobbs, Howard, Jones, Mahan, Miller, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Neale (of Cabell), O'Connor, Parsons, Pridemore, Rankin, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—47.

Absent and not voting:

Messrs. Bray, Cosner, Cox, Hale, Harvey, Hersman, Hickman, Hilleary, Houvouras, John, Mollohan, Moran, McCauley, Nutter, Otto, Pedigo, Perin, Pettigrew, Richards, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—24.

So, a majority of the members present and voting not having voted in the affirmative, the amendment was not adopted.

On motion of Mr. Kuykendall, the bill was amended in section sixty-seven-a, page thirteen, line six, after the word "misdemeanor" by adding the following words "and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars for each separate offense."

Mr. Rankin moved to amend the bill in section six, page four, line fourteen, by striking out the words "eighteen" and inserting in lieu thereof the word "twelve."

Which motion did not prevail.

Mr. Rankin moved to amend the bill in same section, same page, line fifteen, after the word "expenses" the words "not to exceed three hundred dollars."

Which motion did not prevail.

Mr. Rankin moved to amend the bill in same section, same page, line seventeen, by striking out the words "twenty-four hundred dollars" and inserting in lieu thereof "two thousand dollars."

Which motion did not prevail.

Mr. Rankin moved to amend the bill in same section, same page, line nineteen, by striking out the words "eighteen hundred dollars" and inserting in lieu thereof the words "one thousand dollars."

Which motion did not prevail.

Mr. Rankin moved to amend the bill in same section, same page, line twenty, by striking out the words "twelve hundred dollars" and inserting in lieu thereof the words "one thousand dollars."

Which motion did not prevail.

On motion of Mr. Kuykendall, the bill was amended in section sixty-seven-a, page thirteen, line eleven, after the word "be" by inserting the words "guilty of a misdemeanor and upon conviction thereof shall be."

On motions of Mr. O'Connor, severally made, the bill was amended in section sixty-seven-c, page fourteen, line four, after the word "equivalent" by inserting the words "within twenty-four hours after demand."

And,

In same section, same page, line five, by striking out the words "on demand."

On motion of Mr. Pettigrew, the bill was amended in section sixty-seven-c, page fourteen, line eight, after the word "employees" by adding the words "so discharged or laid off."

On motion of Mr. John, the bill was amended at the end of section sixty-seven-d, by adding the following section:

Sec. 67-e. The commissioner of labor, inspectors and chief clerk shall make and keep full and proper record of all their expenses, and of inspections and statistics as to conditions, changes and improvements made for the safety and welfare of employees effected by this act, and that the commissioner of labor shall submit a proper report thereof to each biennial session of the legislature.

The bill was then ordered to its engrossment and third reading.

A message from the Senate by Mr. Bloch, announced the concurrence by that body in the adoption of

HOUSE CONCURRENT RESOLUTION No. 4, relative to dockets of the circuit courts:

"Resolved, by the House of Delegates, the Senate concurring therein, That the auditor be, and he is hereby, requested to furnish a statement to the Senate and House of Delegates showing the number of cases upon the dockets of the various circuit and other courts in the state of West Virginia as reported to his office as required by law. Such statement should show the chancery causes, the law causes, civil and criminal, and, if the information is in the auditor's office, it should also show the number of jury trials in each such court during the last available two years, and the number of days that the court was in session in each year."

A message from the Senate by Mr. Scherr, announced the passage by that body of

Senate Bill No. 59—"A Bill providing for the unauthorized use of vehicles."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Morton, announced the passage by that body of

Senate Bill No. 70—"A Bill relating to the possession of land and interests therein where there has been or may be a severance of the mineral or other interests from the surface, and declaring the possession of the surface owner to possession of the minerals or other interests for the benefit of the owner of such mineral or other interest."

And asked the concurrence of the House therein.

Unanimous consent being given, Senate Bill No. 70 was taken up for immediate consideration, read a first time and referred to the committee on the Judiciary.

House Bill No. 94—"A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."

On second reading, coming up in regular order for consideration was read a second time.

On motion of Mr. Moore, the bill was amended in section thirty-eight, page twenty-nine, line nine, after the word "license" by striking out down to and including the word "city" in line twenty-five, page thirty, by inserting in lieu thereof the words "tax" for the use of said

city upon any business, trade, occupation or profession for which the state now requires or hereafter may require a license, but the tax upon such city license shall in no case exceed the license imposed by the state upon such business, trade, occupation or profession."

On motion of Mr. Blizzard, the bill was amended on page twenty-nine, line thirty, by striking out the words "fifty cents" and inserting in lieu thereof the words "sixty cents."

The bill was then ordered to its engrossment and third reading.

House Bill No. 11—"A Bill to amend, revise and consolidate into one act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, 'an act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county,' and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five, February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington."

On second reading, coming up in regular order for consideration was read a second time.

Mr. Weiss moved to amend the bill by adding thereto section forty-nine as follows:

"Section 49. That before this act shall become effective, the council of said city of Mannington shall make, or cause to be made, by publishing notice of an election in some newspaper published in said city and providing for all necessary arrangements for holding said election upon the question of the adoption or rejection of this act, and the declaration of the result of said election."

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Neale (of Cabell), laid over, retaining its place on the calendar.

House Bill No. 14—"A Bill pertaining to the public health."

On second reading, coming up in regular order for consideration was read a second time.

On motion of Mr. Howard, the bill was amended by adding thereto an additional section, as follows:

"Section 3. All acts and parts of acts coming within the purview of this act, and inconsistent herewith, are hereby repealed."

The bill was then ordered to its engrossment and third reading.

A message from the Senate by Mr. Fox, announced the passage by that body of

Senate Bill No. 94—"A Bill to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition, one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians."

And,

Senate Bill No. 95—"A Bill to amend and re-enact section thirty-three of chapter forty-six-a of the code of West Virginia, Barnes' edition, one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines."

And asked the concurrence of the House therein.

House Bill No. 96—"A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to lay a special levy to provide funds for paying same with interest."

On second reading, coming up in regular order for consideration was read a second time.

On motion of Mr. Moore, the bill was amended in section two, page four, line two, by striking out the word "process" and inserting in lieu thereof the word "proceeds."

The bill was then ordered to its engrossment and third reading.

Mr. Hays moved that the action of the House in rejecting

House Bill No. 5—"A Bill to amend chapter one hundred and twenty of the code, by adding thereto section nine, relating to the duties of the prosecuting attorneys."

Be reconsidered.

On that question,

Mr. Cuppett demanded the ayes and noes.

The demand being sustained, they were ordered taken.

Pending the announcement of the vote,

Mr. Hays moved the announcement of the vote be postponed until tomorrow at 11 o'clock A. M.

Which motion did not prevail.

The question recurring on the motion of Mr. Hays, the vote was announced as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Capehart, Godfrey, Hackney, Hale, Hays, Hendricks, Hickman, Kern, Kuykendall, Moore, Moran, Moulds, McCauley, McClaren, McClintic, Neale (of Cabell), Neal (of Webster), Peck, Pettigrew, Rankin, Richards, Scott, Twyman, Weiss, Wysong and Wolfe (Speaker)—28.

The noes were:

Messrs. Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hall, Hamilton, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Lantz, Lester, Mahan, Miller, Morris, Musser, McDermitt, McPherson, O'Connor, Parsons, Pridemore, Rouss, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond and Vaughn—50.

Absent and not voting:

Messrs. Bray, Cosner, Cox, Harvey, Mollohan, McVey, Nutter, Otto, Pedigo, Perin, Shaw, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—15.

So, a majority of the members present and voting not having voted in the affirmative, the motion did not prevail.

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 52—"A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 100—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of

the code of West Virginia, one thousand nine hundred and thirteen, (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 111—"A Bill to authorize the board of Education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 3—"A Bill to amend and re-enact section six of chapter seventy-two of the code of West Virginia, relating to sale under trust deeds."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 6—"A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 4—"A Bill to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia, relating to compensation of commissioners."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 8—"A Bill to require judgments and decrees of the circuit and district courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 10—"A Bill to amend and re-enact section five of chapter one hundred and thirty-three of the code of West Virginia of one thousand nine hundred and thirteen, relating to bills of review and the limitation thereof."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 13—"A Bill to amend and re-enact sections three, seventeen and eighteen of chapter one hundred and thirty-five of the code of West Virginia, one thousand nine hundred and thirteen, prescribing the limitations for writs of error and appeals."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 14—"A Bill to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by section one of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, of chapter twenty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and seven as amended by section four of chapter five, of the extra session of the acts of the legislature of West Virginia of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Wysong, reference to a committee was dispensed with, and the bill was ordered to its second reading.

Senate Bill No. 16—"A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, one thousand nine hundred and thirteen."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 17—"A Bill to fix the salaries of the governor and the judges of the supreme court of appeals."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 43—"A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Kern, reference to a committee was dispensed with, and the bill was ordered to its second reading.

Senate Bill No. 44—"A Bill to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Kern, reference to a committee was dispensed with, and the bill was ordered to its second reading.

Senate Bill No. 32—"A Bill to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code, relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterwards bring a second cause of action against them."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 35—"A Bill to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 36—"A Bill dispensing with the necessity of any natural person affixing a seal to any deed, trust deed, mortgage, lease or other writing conveying, selling or agreeing to sell, leasing, renting or encumbering real estate, and making valid such instruments of writing heretofore executed by any natural person, lacking such seal, and making the same evidence; and providing that an action of covenant may be maintained thereon for the breach of any covenant or warranty therein."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 25—"A Bill to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia of the year eighteen hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Mahan, reference to a committee was dispensed with, and the bill was ordered to its second reading.

Senate Bill No. 7—"A Bill to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 9—"A Bill to amend and re-enact section twenty-five of chapter one hundred and thirty-one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 18—"A Bill to amend and re-enact chapter nine of the acts of the legislature of West Virginia, section one thousand nine hundred and fifteen, granting a charter to the city of Bluefield."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Godfrey, reference to a committee was dispensed with, and the bill was ordered to its second reading.

Senate Bill No. 71—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Howard, reference to a committee was dispensed with, and the bill was ordered to its second reading.

House Bill No. 19—"A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the negro race, and to provide for the management of such institution."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 15—"A Bill to establish a state institution for the deaf and blind persons of the negro race, and to provide for the management of such institution."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

SENATE JOINT RESOLUTION No. 7—"Providing for the adoption of joint rules of the two houses."

Resolved by the Legislature of West Virginia:

That the joint rules of the Senate and House of Delegates adopted January thirty-one, one thousand nine hundred and seventeen, be adopted as the joint rules of the two bodies during the present session, except that Rule two shall provide that two hundred instead of twenty copies of enrolled bills shall be printed under the provisions contained in said rule; except that in the printing of municipal charters, only twenty-five copies thereof shall be printed.

On first reading, coming up in regular order for consideration, was adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong, and Wolfe (Speaker).—73.

The noes were:

None.

Absent and not voting:

Messrs. Bray, Coleman, Cox, Grove, Hall, Harvey, Kern, Miller, Mollohan, McCauley, Nutter, Otto, Pedigo, Perin, Shaw, Summers,

Thomas, Vanmeter, Williams (of Ohio), and Williams (of Pleasants).—20.

So, a majority of the members present and voting having voted in the affirmative, the resolution was adopted.

Senate Bill No. 69—"A Bill to amend and re-enact section three of chapter one hundred and twenty-nine of the one thousand nine hundred and thirteen code of West Virginia, serial section four thousand eight hundred and forty-eight, concerning commissioners in chancery."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

On motion of Mr. Houvouras, the House adjourned until 2 o'clock, P. M., Thursday, January 23rd.

THURSDAY, JANUARY 23, 1919.

The House met at 2 o'clock, P. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday.

On motion of Mr. Houvouras, the further reading thereof was dispensed with.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 145—"A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

Also,

House Bill No. 124—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

And,

House Bill No. 57—"A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the

purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, Senate Bill No. 17—"A Bill to fix the salaries of the governor and judges of the supreme court of appeals."

Also,

Senate Bill No. 4—"A Bill to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia, relating to compensation of commissioners."

And,

Senate Bill No. 32—"A Bill to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterward bring a second cause of action against them."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 144—"A Bill to amend and re-enact section six, of chapter ninety-eight-a, of the code of West Virginia."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

House Bill No. 144, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Neale of (Cabell), from the Committee on Counties, Districts and Municipal Corporation, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 137—"A Bill to amend and re-enact chapter two of the acts of one thousand nine hundred and five, and chapter one of the acts of one thousand nine hundred and seven of the legislature of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."

And,

House Bill No. 121—"A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

T. S. NEALE, *Chairman*.

Mr. Swisher, from the Committee on Roads and Internal Navigation, submitted the following report, which was received:

Your Committee on Roads and Internal Navigation has had under consideration,

House Bill No. 81—"A Bill to amend and re-enact section thirteen of chapter sixty-six, of the acts of the legislature of one thousand nine hundred and seventeen; serial section one thousand nine hundred and forty supplement of Hogg's code of one thousand nine hundred and eighteen, relative to state road commission."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

J. J. SWISHER, *Chairman*.

Mr. McPherson, from the Committee on Railroads, submitted the following report, which was received:

Your Committee on Railroads has had under consideration,

SENATE JOINT RESOLUTION No. 4—"Relating to the Twin Mountain and Potomac Railroad Company."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

W. L. MCPHERSON, *Chairman*.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Grove:

House Bill No. 151—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."

Referred to the Committee on Taxation and Finance.

By Mr. Weiss:

House Bill No. 152—"A Bill to amend and re-enact section two of chapter twenty-one of the acts of one thousand nine hundred and fifteen, (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Tuesday of May in the year one thousand nine hundred and fifteen."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. Starcher:

House Bill No. 153—"A Bill to regulate the practice of architecture in the state of West Virginia."

Referred to the Committee on Labor.

By Mr. Pettigrew (by request):

House Bill No. 154—"A Bill to regulate the practice of law by attorneys in the State of West Virginia."

Referred to the Committee on the Judiciary.

By Mr. Hackney:

House Bill No. 155—"A Bill authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public money; requiring the treasurers of county, district and other funds and collectors of state, county and district funds to deposit the same therein, and making general provisions in respect thereto."

Referred to the Committee on the Judiciary.

By Mr. Hale:

House Bill No. 156—"A Bill to create the department of mines; to re-district the state for the purpose of mine inspection and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven."

Originating in the Committee on Mines and Mining.

By Mr. Byrnes:

House Bill No. 157—"A Bill to amend and re-enact section eighteen and section one hundred and twenty-nine of chapter

twenty-nine of the code of West Virginia, as last amended and re-enacted by chapter eighty of the acts of one thousand nine hundred and seven, abolishing boards of review and equalization and providing that the county courts of the several counties shall perform the functions of said boards."

Referred to the Committee on the Judiciary.

By Mr. Bray (by request):

House Bill No. 158—"A Bill to amend and re-enact section one of chapter twenty-nine of the acts of the legislature of one thousand nine hundred and seventeen and to add thereto section two, for the purpose of authorizing county courts to change the method of improving public roads and to make proper location of same, with proceeds of bonds voted pursuant to chapter eight of the acts of the legislature of one thousand nine hundred and fifteen, second extraordinary session, after having received authority therefor from the voters of the county of district affected, in an election held for that purpose."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Fortney (of Preston):

House Bill No. 159—"A Bill to repeal and re-enact chapter sixty-five of Barnes' code of the edition of one thousand nine hundred and sixteen, relating to dower and courtesy."

Referred to the Committee on the Judiciary.

By Mr. McClintic:

House Bill No. 160—"A Bill amending and re-enacting section three of chapter one hundred and fifty-nine of the code of West Virginia, relating to selecting and empaneling juries in criminal cases."

Referred to the Committee on the Judiciary.

By Mr. Fortney (of Preston) (by request):

House Bill No. 161—"A Bill to amend and re-enact section four of chapter eighty-five of the code of West Virginia, serial section three thousand nine hundred and ninety-one of Hogg's code of one thousand nine hundred and thirteen, relating to the granting of administration upon estates of intestates."

Referred to the Committee on the Judiciary.

By Mr. Swisher (by request):

House Bill No. 162—"A Bill to allow absent electors to vote."

Referred to the Committee on the Judiciary.

Mr. Twyman offered the following resolution:

"WHEREAS, Leroy Shaw, a member of this House, is now confined to his room on account of sickness, and

"WHEREAS, the said Leroy Shaw has some important business, for the people of his county, that he desires to have prepared to present to this House for its consideration; therefore be it

"Resolved, That the Speaker of the House is hereby empowered and directed to designate one of the clerks from this House to assist the said Leroy Shaw in the preparation of his work until he is able to return to his duties as a member of this House."

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

Thereupon,

The Speaker appointed Mr. Gwinn to assist Mr. Shaw in his work.

A message from the Senate, by Mr. Montgomery, announced the passage by that body of

Senate Bill No. 93—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Cobun, announced the passage by that body of

Senate Bill No. 23—"A Bill to amend and re-enact section ten of chapter one hundred and forty-nine of the code of West Virginia concerning houses of ill-fame and declaring such as common and public nuisances, and providing for the abatement thereof."

And asked the concurrence of the House therein.

Mr. Hilleary presented a communication from G. Mosby and sixty others, of Alexander, West Virginia, protesting against the protection of fox and mink.

Referred to the Committee on Game and Fish.

Mr. Stover moved to suspend the rules and take up Senate Joint Resolution No. 4 for immediate consideration.

Which motion did not prevail.

HOUSE CONCURRENT RESOLUTION No. 5—By the House of Delegates of West Virginia, the Senate concurring therein, that

"WHEREAS, the war, now brought to a victorious close by the associated power of the free nations of the world, was above all else a war to end war and protect human rights; therefore be it

"Resolved, by the legislature of the state of West Virginia, both Houses concurring, that we favor the establishment of a league of nations of which the United States shall be a member. We believe that such a league should aim at promoting the liberty, progress and orderly development of the world; that it should clinch

the victory won at such terrible sacrifice by having the united potential force of all its members as a standing menace against any nation that seeks to upset the peace of the world; be it further

"Resolved, That certified copies of this resolution be sent by the secretary of state to the President and to the presiding officers of both branches of Congress and to each of the United States senators and representatives."

Coming up in regular order for consideration, was

On motion of Mr. McClintic, laid over, retaining its place on the calendar.

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-*h*, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-*a*, sixty-seven-*b*, sixty-seven-*c*, sixty-seven-*d* and sixty-seven-*e*, relating to inspection of factories, mercantile establishments, mills or workshops."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Stover, made a special order for tomorrow, Friday, January 24th.

A message from the Senate, by Mr. Arnold, announced the passage by that body of

Senate Bill No. 104—"A Bill to create and incorporate the municipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."

To take effect from its passage, and asked concurrence of the House therein.

A message from the Senate, by Mr. Sanders, announced the passage by that body of

Senate Bill No. 11—"A Bill to amend and re-enact section four of chapter one hundred and fourteen-*b* of the code of West Virginia, one thousand nine hundred and thirteen."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Gribble, announced the passage by that body of

Senate Bill No. 116—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

And asked the concurrence of the House therein.

House Bill No. 94—"A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong, and Wolfe (Speaker)—79.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Coberly, Cox, Hale, Nutter, Otto, Pedigo, Perin, Shaw, Sturm, Thomas, Thurmond, Vanmeter and Williams (of Ohio)—14.

Ordered, That Mr. Blizzard communicate to the Senate the passage of the bill (H. B. No. 94) and ask concurrence therein.

House Bill No. 11—"A Bill to amend, revise and consolidate into one act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, 'An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county,' and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five, February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong, and Wolf (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Coleman, Coon, Cox, Hale, Nutter, Otto, Pedigo, Perin, Shaw, Sturm, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

Mr. Kern moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants,) Wysong and Wolfe (Speaker)—78.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Coberly, Coon, Cox, Lester, Nutter, Otto, Pedigo, Perin, Shaw, Sturm, Thomas, Thurmond, Vanmeter, and Williams of Ohio)—15.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 11) takes effect from its passage.

Ordered, That Mr. Hamilton communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 14—"A Bill pertaining to the public health."

On third reading, coming up in regular order for consideration, was read a third time.

Unanimous consent being given,

On motion of Mr. Pettigrew, the bill was amended on page one, section one, line ten, by inserting after the word "same" the words "without cost to the patient so treated".

On the passage of the bill as amended,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Coleman, Coon, Hilleary, John, Nutter, Otto, Pedigo, Perin, Shaw, Sturm, Taylor, Thomas, Thurmond, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Cunningham communicate to the Senate the passage of the bill (H. B. No. 14) and ask concurrence therein.

House Bill No. 96—"A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to

lay a special levy to provide funds for paying same with interest."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Lantz, Mahan Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), O'Connor, Parsons, Peck, Pridemore, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—70.

The noes were:

Messrs. Kuykendall, Neal (of Webster), Pettigrew, and Rankin—4.

Absent and not voting:

Messrs. Bland, Cox, Cuppett, Hilleary, Lester, McCauley, Nutter, Otto, Pedigo, Perin, Sarver, Shaw, Sturm, Summers, Taylor, Thomas, Thurmond, Vanmeter and Williams (of Ohio)—19.

Ordered, That Mr. Scott communicate to the Senate the passage of the bill (H. B. No. 96) and ask concurrence therein.

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Neale (of Cabell) severally made, the bill was amended as follows:

That section two be amended by striking out the entire section two and inserting in lieu thereof the following:

"Sec. 2. The corporation territory limit of the city of Huntington shall be as follows, to-wit:

"Beginning at a stake at low water mark on the Ohio river (southerly side thereof), about one-half mile above the mouth of Four Pole creek, and at the intersection of the easterly line of the Williams land with said low water mark; thence easterly and up the Ohio river, with low water mark thereof, to its intersection with low water mark of the easterly side of the Guyandotte river; thence southerly, with the low water mark of Guyandotte river, with the easterly side thereof, to a point directly opposite the mouth of the Crump branch, a tributary of said Guyandotte river on the westerly side thereof; thence westerly in a straight line and crossing Guyandotte river to the mouth of said Crump branch; thence southerly with the westerly line of the Isaac Crump lands to what is known as the Military line; thence westerly with said Military line to its intersection with the south-easterly corporation line of the city of Huntington as heretofore constituted by chapter one hundred and fifty of the acts of the legislature of one thousand nine hundred and one, it also being the easterly line of the lands of the Huntington Land Company (formerly the Central Land Company of West Virginia); thence with said corporation line (and likewise line of said land company) in a south-westerly direction, crossing Four Pole creek, to the south-east corner of the lands of said land company (and likewise the south-east corner at said corporation boundary); thence following the lines of said corporation line (and likewise the lines of said land company), in a westerly and northerly direction, respectively, to and crossing said Four Pole creek to the north bank thereof; thence in a westerly direction, and down Four Pole creek with the north bank thereof, to the intersection of said creek with the southerly line of the right of way of the Chesapeake and Ohio railway company; and continuing westerly with said southerly line of said railway right of way to its intersection with the easterly line of the Williams land; thence northerly, with said easterly line of said Williams land, to the beginning."

Also,

On page fifty-eight, section fifty-seven, line eleven, after the word "require" by striking out down to and including the word "Huntington" in line twenty-two.

And,

On page fifty-nine, section fifty-seven, by striking out lines thirty-three, thirty-four and thirty-five.

The bill was then ordered to its engrossment and third reading.

House Bills Nos. 54, 52, 100, 111, 19 and 15, all on second reading, not being printed, were laid over, retaining their place on the calendar.

Senate Bill No. 14—"A Bill to amend and re-enact sections four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by section one of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, of chapter twenty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and seven as amended by section four of chapter five, of the extra session of the acts of the legislature of West Virginia of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia.

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 43—"A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 44—"A Bill to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 25—"A Bill to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia of the year eighteen hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and sate of West Virginia."

On second reading, coming up in regular order for consideration was read a second time and ordered to its third reading.

Senate Bill No. 18—"A Bill to amend and re-enact chapter nine of the acts of the legislature of West Virginia, section one thousand nine hundred and fifteen, granting a charter to the city of Bluefield."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Anderson, the bill was amended as follows:

On page ten beginning on line twenty-eight by striking out the following: "to prohibit and punish by fine the bringing into the

city by railroads or other carriers of paupers, dangerous or objectionable characters or persons afflicted with contagious diseases," and substitute in lieu thereof the following: "to prohibit by ordinance the bringing into the city of any person or animal afflicted with contagious or infectious disease, and to punish any violator of said ordinance who knows or has reason to believe such person or animal to be so afflicted."

The bill, as amended, was then ordered to its third reading.

Senate Bill No. 71—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Howard, laid over, retaining its place on the calendar.

Mr. Anderson in the Chair.

House Bill No. 75—"A Bill to amend and re-enact section four of chapter twenty-seven, of the acts of one thousand nine hundred and nine."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 76—"A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one, relating to weights and measures."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 114—"A Bill to amend and re-enact section eight-a of chapter one hundred and fifty of Barnes' code of West Virginia of one thousand nine hundred and sixteen, relating to physicians and surgeons, and examination and qualification of same, and setting forth who are deemed practitioners."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-

two-*a*, twenty-two-*b* and twenty-two-*c*, providing for expenses and allowance of sheriffs and time of settlement and salary."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 113—"A Bill to amend and re-enact section twenty-seven-*b* of chapter one hundred and forty-five of the code of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 110—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 104—"A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 116—"A Bill relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 8—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property', twenty-nine, all of sub-division 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five, and sections thirty, thirty-one, and thirty-one-*a* of chapter forty-seven of the West Virginia code,

one thousand nine hundred and sixteen, and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the West Virginia code, one thousand nine hundred and sixteen, relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 78—"A Bill to amend section four hundred eighty-three (as amended by section thirty-two of Barnes' code of nineteen hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law.'"

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 58—"A Bill providing for the protection of sheep and other property; listing, taxing and assessing dogs as personal property."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 130—"A Bill to amend and re-enact sections one hundred and twenty-nine, one hundred and thirty-two and one hundred and thirty-three of the regular session of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, in regard to the registration fee on motor vehicles."

On first reading, coming up in regular order for consideration, was

On motion of Mr. Lantz, recommitted to the Committee on Roads and Internal Navigation.

Senate Bill No. 59—"A Bill providing for the unauthorized use of vehicles."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 7—"A Bill to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia."

On first reading, coming up in regular order for consideration was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 94—"A Bill to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition, one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 95—"A Bill to amend and re-enact section thirty-three of chapter forty-six-a of the code of West Virginia, Barnes' edition, one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

On motion of Mr. Moore, the House adjourned until 2 o'clock, P. M., Friday, January 24th.

FRIDAY, JANUARY 24, 1919.

The House met at 2 o'clock, P. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Sarver, the further reading thereof was dispensed with.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Neale (of Cabell), from the Committee on Counties, Districts and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 136—"A Bill amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof, and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven, and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.'"

And report the same back with the recommendation that it do pass.

Respectfully submitted,

T. S. NEALE, *Chairman.*

Mr. Brand, from the Committee on Humane Institutions and Public Buildings, submitted the following report, which was received:

Your Committee on Humane Institutions and Public Buildings, has had under consideration,

House Bill No. 119—"A Bill to amend chapter fifteen-*h* of Hogg's and Barnes' codes of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-*a*, serial section five hundred and forty-two-*a* of Hogg's code, providing for the establishment and loca-

tion of a state hospital in the town of St. Albans, in the county of Kanawha, which shall be known as St. Albans Hospital No. 4."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

F. M. BRAND, *Chairman.*

House Bill No. 119, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Hersman, from the Committee on Immigration and Agriculture, submitted the following report, which was received:

Your Committee on Immigration and Agriculture has had under consideration,

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."

And,

House Bill No. 93—"A Bill to regulate the sale of commercial feeding stuffs."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

A. M. HERSMAN, *Chairman.*

Mr. Hersman, from the Committee on Immigration and Agriculture, submitted the following report, which was received:

Your Committee on Immigration and Agriculture has had under consideration,

House Bill No. 80—"A Bill to prevent the spread of rabies or hydrophobia among the people of the state of West Virginia for the preservation of public safety, and for the protection of the people from injury, disease and death, from vicious and rabied dogs and for the protection of domestic animals throughout the state."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

A. M. HERSMAN, *Chairman.*

House Bill No. 80, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Hersman, from the Committee on Immigration and Agriculture, submitted the following report, which was received:

Your Committee on Immigration and Agriculture has had under consideration,

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add sections seven, eight, nine and ten thereto."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

A. M. HERSMAN, *Chairman.*

House Bill No. 7, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was not rejected.

The bill was then ordered to its first reading.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 106—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, ninety-seven, one hundred and five, one hundred and seven, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty and section sixty-four, as amended by chapter thirty-nine, acts one thousand nine hundred and seventeen, adding section forty and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight, and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 117—"A Bill to make gas pipe lines public service corporations and common carriers within this state."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman*.

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration.

House Bill No. 153—"A Bill to regulate the practice of architecture in the state of West Virginia."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

K. H. STOVER, *Chairman*.

Mr. Hall asked unanimous consent of the House to reconsider the vote by which

House Bill No. 108—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."

Was rejected.

Which was not given, Mr. Thurmond objecting.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. McClintic:

House Bill No. 163—"A Bill to provide for the registration of all births and deaths."

Referred to the Committee on Medicine and Sanitation.

By Mr. Pettigrew:

House Bill No. 164—"A Bill to amend and re-enact section three of chapter sixty-six of the code of West Virginia, concerning the separate property, rights, powers and privileges of married women; suits by and against them."

Referred to the Committee on the Judiciary.

And,

House Bill No. 165—"A Bill to amend and re-enact section six of chapter seventy-three of the code of West Virginia, concerning the authentication and recordation of deeds and other writings.

Referred to the Committee on the Judiciary.

By Mr. Cox:

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."

Referred to the Committee on Taxation and Finance.

And,

House Bill No. 167—"A Bill prohibiting the wearing by any person not entitled thereto of an emblem of any secret order or organization and prescribing the penalties of such violations."

Referred to the Committee on the Judiciary.

By Mr. Fortney (of Preston, by request):

House Bill No. 168—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relative to offenses against the peace."

Referred to the Committee on the Judiciary.

By Mr. Richards (by request):

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education."

Referred to the Committee on Education.

And,

House Bill No. 170—"A Bill to amend and re-enact section thirty-six of chapter one hundred and forty-five of Barnes' code of one thousand nine hundred and eighteen (chapter forty-three of the acts of the legislature of one thousand nine hundred and fifteen, regular session), relating to false, deceptive and misleading advertising."

Referred to the Committee on the Judiciary.

By Mr. Hackney:

House Bill No. 171—"A Bill to amend and re-enact sections seventy-seven, seventy, eight, seventy-eight-a, (seven), seventy-nine-a (one), eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine),

seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."

Referred to the Committee on Private Corporations and Joint Stock Companies.

By Mr. Anderson:

House Bill No. 172—"A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

Referred to the Committee on the Judiciary.

By Mr. Lantz:

House Bill No. 173—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition of one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six-a requiring patrolmen to account for road materials, tools and implements belonging to their districts."

Referred to the Committee on Roads and Internal Navigation.

Mr. Parsons offered the following resolution:

"*Resolved*, That all bills, having for their object the raising of revenue, the appropriation or expenditure of money, shall be referred to the Committee on Taxation and Finance."

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

On motion of Mr. Kern, indefinite leave of absence was granted to Mr. Thomas, on account of illness.

On motion of Mr. Starcher, indefinite leave of absence was granted to Mr. Sturm, on account of illness.

On motion of Mr. Sarver, leave of absence was granted to Mr. Hersman, until next Tuesday, January 28th.

On motion of Mr. Godfrey, indefinite leave of absence was granted to Mr. Pedigo, on account of illness.

Mr. Moore offered the following resolution:

"*Resolved*, That the secretary of state be and he is hereby authorized to furnish for the use of the Committee on the Judiciary of the House of Delegates one typewriter desk and one typewriter chair, all of which are to be returned to the Secretary of State at the end of the session."

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

HOUSE CONCURRENT RESOLUTION No. 5—By the House of Delegates of West Virginia, the Senate concurring therein, that

"WHEREAS, the war, now brought to a victorious close by the associated power of the free nations of the world, was above all else a war to end war and protect human rights; therefore be it

'Resolved, by the legislature of the state of West Virginia, both Houses concurring, that we favor the establishment of a league of nations of which the United States shall be a member. We believe that such a league should aim at promoting the liberty, progress and orderly development of the world; that it should clinch the victory won at such terrible sacrifice by having the united potential force of all its members as a standing menace against any nation that seeks to upset the peace of the world; be it further

"Resolved, That certified copies of this resolution be sent by the secretary of state to the President and to the presiding officers of both branches of Congress and to each of the United States senators and representatives."

Coming up in regular order for consideration, was read by the Clerk.

Mr. John moved that the resolution be indefinitely postponed.

Pending the discussion,

Mr. Mahan moved the previous question, which motion was sustained.

Thereupon, the Speaker propounded the question: "Shall the main question be now put?"

The question prevailing,

The Speaker propounded the main question:

"Shall the resolution be indefinitely postponed?"

And,

On that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hendricks, Hickman, Hil-

leary, Howard, John, Jones, Mahan, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—61.

The noes were:

Messrs. Bray, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Hobbs, Houvouras, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, McCauley, Neal (of Webster), O'Connor, Peck, Rouss and Summers—22.

Absent and not voting:

Messrs. Hersman, Moulds, Nutter, Otto, Pedigo, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting having voted in the affirmative, the resolution was indefinitely postponed.

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Lantz, Mahan, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), O'Connor, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—66.

The noes were:

Messrs. Bland, Calhoun, Cosner, Ferguson, Hall, Harvey, Hays, Kuykendall, Lester, Miller, Mollohan, McCauley, Neal (of Webster), Rouss and Thurmond—15.

Absent and not voting:

Messrs. Hersman, Kern, Moulds, Nutter, Otto, Pedigo, Shaw, Sturm, Summers, Thomas, Vanmeter and Williams (of Ohio)—12.

Mr. Houvouras moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cosner, Cox, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), O'Connor, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Twyman, Vaughn, Weiss and Wysong.—65.

The noes were:

Messrs. Hall, Hays, Kuykendall, McCauley, Neal (of Webster) and Thurmond—6.

Absent and not voting:

Messrs. Bland, Coon, Cunningham, Ferguson, Harvey, Hersman, John, Kern, Mollohan, Moulds, Nutter, Otto, Peck, Pedigo, Shaw, Sturm, Summers, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—22.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 44) takes effect from its passage.

Ordered, That Mr. Neale (of Cabell), communicate to the Senate the passage of the bill and request concurrence therein.

A message from the Senate, by Mr. Lewis, announced that the Senate had concurred in the passage of

House Bill No. 82—"A Bill to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and a graded school building, at Montgomery."

To take effect from its passage.

A message from the Senate, by Mr. York, announced that the Senate had concurred in the passage of

House Bill No. 45—"A Bill to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

To take effect from its passage.

A message from the Senate, by Mr. Scherr, announced that the Senate had concurred in the passage of

House Bill No. 43—"A Bill to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal."

To take effect from its passage.

A message from the Senate, by Mr. Sanders, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 6—"Relating to the Virginia debt."

And asked the concurrence of the House therein,

Mr. McClintic in the Chair.

The hour having arrived to which

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-a, sixty-seven-b, sixty-seven-c, sixty-seven-d and sixty-seven-e, relating to inspection of factories, mercantile establishments, mills or workshops."

On third reading, was made a special order, was taken up for consideration and read a third time.

Mr. Anderson moved that the bill be recommitted to the Committee on Taxation and Finance.

Pending the discussion,

Mr. Pettigrew moved the previous question, which motion was sustained.

Thereupon,

The Speaker propounded the question: "Shall the main question be now put?"

The question prevailing,

The Speaker propounded the main question: "Shall the bill be re-committed to the committee on Taxation and Finance?"

And,

On that question,

Mr. Cuppett demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Bray, Byrnes, Calhoun, Cosner, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hickman, John, Kern, Kuykendall, Lantz, Mollohan, Moran, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Parsons, Perin, Pettigrew, Richards, Rouss, Summers, Swisher, Thurmond, Twyman and Wysong—35.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Brammer, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Mahan, Miller, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), O'Connor, Peck, Pridemore, Rankin, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—44.

Absent and not voting:

Messrs. Cunningham, Ferguson, Godfrey, Hersman, Lester, Moulds, Nutter, Otto, Pedigo, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—14.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

The bill was then put upon its passage and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Mahan, Miller, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams, (of Pleasants), Wysong and Wolfe (Speaker)—54.

The noes were:

Messrs. Anderson, Bland, Bray, Calhoun, Cosner, Grove, Hale, Hamilton, Harvey, Hays, Kuykendall, Lantz, Moran, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Perin, Rouss, Summers and Thurmond—22.

Absent and not voting:

Messrs. Byrnes, Cunningham, Ferguson, Godfrey, Hall, Hersman, Lester, Mollohan, Moulds, Nutter, Otto, Pedigo, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—17.

Ordered, That Mr. Stover communicate to the Senate the passage of the bill (H. B. No. 50) and ask concurrence therein.

A message from the Senate, by Mr. Gribble, announced that the Senate had concurred in the passage of

House Bill No. 16—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county or in the state."

To take effect from its passage.

Unanimous consent being given, on motion of Mr. Weiss,

SENATE JOINT RESOLUTION No. 6—"Relating to the Virginia Debt."

WHEREAS, The Governor of this state in his biennial message to the West Virginia legislature of January eight, one thousand nine hundred and nineteen, stated: "In a few days I will transmit to you a report of the Virginia Debt Commission, setting out the result of its correspondence and negotiations with the Virginia commission since the last session of the legislature, together with certain recommendations for your consideration; and,

WHEREAS, On the seventeenth day of January, one thousand nine hundred and nineteen, the Governor together with his special message to the legislature of West Virginia, transmitted the report of the New Virginia Debt Commission; and,

WHEREAS, The said report of the New Virginia Debt Commission merely sets forth the correspondence it has had, and the opinion of the United States supreme court, together with a few other documents which had come into its possession, but does not submit any recommendations whatsoever for the consideration of the legislature; and,

WHEREAS, The Governor in his said special message so transmitting the said report of said commission does not make any recommendations whatsoever for the consideration of the legislature; and,

WHEREAS, The legislature, before taking any further action concerning the Virginia debt, feels that it should have full and complete

recommendations from the Governor in regard thereto; now, therefore, be it

Resolved, That it is the sense of the legislature of West Virginia that the Governor recommend and report to the legislature as follows:

1. Whether or not there were any other negotiations with the Virginia commission except those set forth and embraced in the report of the new Virginia debt commission so transmitted to the legislature on the seventeenth day of January, one thousand nine hundred and seventeen, together with the special message of the Governor.

2. If there were any other or further negotiations with the Virginia commission, besides those set forth in said report, what were they?

3. Whether or not the Virginia debt should be paid.

4. If the Virginia debt should be paid, how and in what manner should payment thereof be made?

5. If payment of the Virginia debt should not be made, why not and how can the payment thereof be avoided?

Reference to a committee was dispensed with and the resolution was taken up for immediate consideration.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hendricks, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kuykendall, Mahan, Moore, Moran, Morris, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), O'Connor, Parsons, Perin, Pridemore, Richards, Sarver, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—61.

The noes were:

Messrs. Bray, Calhoun, Cosner, Ferguson, Hamilton, Harvey, Hays, Kern, Lantz, Miller, Mollohan, Neal (of Webster), Peck, Rankin, Rouss and Thurmond—16.

Absent and not voting:

Messrs. Bland, Byrnes, Hersman, Hobbs, Lester, Moulds, Nutter, Otto, Pedigo, Pettigrew, Scott, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—16.

So, a majority of all the members present and voting having voted in the affirmative, the resolution was adopted.

Unanimous consent being given, Mr. Neale (of Cabell), from the Committee on Counties, District and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, District and Municipal Corporations, has had under consideration,

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three, eighty-four of the part entitled 'Greater Wheeling Charter,' of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled: 'An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven, entitled: 'An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six, entitled: 'An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling'; chapter eleven of the acts of said legislature of West Virginia one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session, and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form part of the charter of the city of Wheeling; and providing that the charter for said city shall be one of two forms of charter in this act set forth, according to the decision of the voters of said city at the general election to be held on the fourth Thursday in May, one thousand nine hundred and fifteen."

The following to be added to section seventy-six and shall read:

"Provided, however, that this section shall not become effective and operative until it, section seventy-six, as herein above amended, shall have been submitted to the voters of the city of Wheeling at an election held for that purpose. The city council shall provide by

ordinance for such election, and shall appoint judges and clerks for each precinct within the city. Notice of such election shall be published in two daily newspapers of opposite politics in said city of Wheeling once a week for two successive weeks, the last publication to be not more than ten days before the day of election. The ballots used when voting upon this amendment to said section seventy-six shall contain the words 'For Ratification' and 'For Rejection.' If a majority of the votes cast at such election shall be for ratification then section seventy-six, as herein amended and re-enacted, shall thereupon become valid and binding law; if, however, the majority of votes cast at such election shall be for rejection, then and in that event this amendment to said section seventy-six shall be null and void and of no effect. The persons qualified to vote at any general municipal election shall be qualified to vote at such election, and no registration of voters shall be required for such election."

And report the same back with the recommendation that they do pass as amended.

Respectfully submitted,

T. S. NEALE, *Chairman.*

The Clerk read the following communication from the auditor's office:

To the Honorable Members of the Senate and House of Delegates:
Gentlemen:

In compliance with House Concurrent Resolution No. 4, requesting me to furnish a statement to the Senate and House of Delegates showing the number of cases upon the dockets of the various circuit and other courts of the state of West Virginia as reported to my office, I beg to submit to your honorable bodies the attached statements giving this information for the years one thousand nine hundred and seventeen and one thousand nine hundred and eighteen as fully as possible from the reports filed in my office.

In this connection I beg to state that these statements were omitted from my biennial report this year for the reason that it became necessary for me to place the copy for my report in the hands of the public printer two months before the time required by law for filing the reports in my office, and it was then discovered that only a few court clerks had filed their reports.

Very respectfully,

J. S. DARST, *Auditor.*

Statement showing information requested by House Concurrent Resolution No. 4, for the year ending September 30, 1917, as shown by reports on file in the state auditor's office.	Sup. Court	Circuit Court Boone Co.	Crim. & Cir. Fayette Co.	Circuit Court Kanawha Co.	Com. Pleas Court Kanawha Co.	Inter-me'te Court Kanawha Co.	Circuit Court Lewis Co.	Circuit Court Mason Co.	Circuit Court Mingo Co.	Circuit Court Pleasants Co.	Circuit Court Preston Co.	Circuit Court Wood Co.
Criminal cases commenced.	253	74	556	...	...	647	74	30	...	27	46	69
Civil actions commenced.	...	18	66	75	152	281	69	27	70	12	11	319
Chancery suits commenced	...	25	101	197	277	...	109	1 0	126	23	64	160
Suits pending, commenced by state.	...	170	363	...	...	178	71	47	8	38	50	79
Civil actions pending.	...	12	178	99	256	212	94	30	34	12	38	204
Chancery suits pending.	...	63	132	227	372	...	154	64	73	40	140	288
All kinds suits commenced by state.	...	80	974	...	...	...	74	34	10	27	...	148
All kinds suits pending.	209	248	673	...	...	...	319	141	133	90	228	566
Days court was in session.	263	20	330	214	249	209	47	39	154	17	100	97

Repo is to the state auditor's office do not include the number of jury trials.

Statement showing information requested by House Concurrent Resolution No. 4, for the year ending September 30, 1918, as shown by reports on file in the state auditor's office.	Cir. & Criminal Fayette County	Circuit Court Kanawha County	Common Pleas Kanawha County	Intermediate Kanawha County	Circuit Court Lewis County	Criminal Court McDowell County	Circuit Court McDowell County	Circuit Court Pleasants County
Criminal cases commenced.....	182	.....	.....	5-3	5	616	.....	26
Civil actions commenced.....	53	174	100	295	67	.....	195	10
Chancery suits commenced.....	133	240	270	.....	68	.....	198	36
Suits pending, commenced by state.....	301	.....	.....	180	.....	323	.....	32
Civil actions pending.....	181	165	250	330	95	.....	107	14
Chancery suits pending.....	164	350	420	.....	172	.....	137	35
All kind suits commenced by state.....	189	.....	.....	.....	74	616	.....	26
All kinds suits pending.....	646	.....	.....	.....	329	323	244	81
Days court was in session.....	247	172	176	201	48	93	68	20

Reports to the state auditor's office do not include the number of jury trials.

The Speaker announced the following appointments, pursuant to resolutions adopted on January thirteenth and January twentieth, respectively:

Journal page—Thomas B. Reed.

Floor pages—Charles Wood, Jr., Arthur Eberly.

Supervisor of Committee Clerks—Frank A. McGrew.

On motion of Mr. Weiss, the House adjourned.

SATURDAY, JANUARY 25, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Rankin, the further reading thereof was dispensed with.

The following communication from the Governor's office was read by the Clerk:

STATE OF WEST VIRGINIA,

EXECUTIVE DEPARTMENT,

CHARLESTON, W. VA., January 24, 1919.

To the Senate and the House of Delegates:

As required by the constitution of West Virginia I hereby transmit to you, itemized statement of expenditures out of the following funds, from March fourth, one thousand nine hundred and seventeen, to July first, one thousand nine hundred and eighteen:

Civil contingent fund,

Governor's mansion maintenance fund.

Necessary repairs and improvements to Governor's mansion,

Governor's mansion repairs and betterment fund,

Furnishing and decorating Governor's mansion,

Stenographers and clerk hire fund,

Salary of pardon attorney,

Stenographer to pardon attorney,

Contingent fund of pardon attorney,

Labor fund—capitol and annex,
Vicksburg reunion,
Virginia Debt Commission,

Respectfully submitted,

JNO. J. CORNWELL, *Governor.*

On motion of Mr. Moore, the further reading thereof was dispensed with, and the communication was ordered printed in the Journal.

(See Appendix C.)

Mr. McClintic, from the Committee on Rules, offered the following resolution: •

“Resolved, That W. O. Davis, James Bass, Harvey Johnson, J. J. Spencer, Arthur Raglan and Ed Scott, who comprise the extra janitor force for the House of Delegates, be allowed three dollars per day for their services as such janitors, and the sergeant-at-arms of the House is hereby authorized and directed to issue his warrants on the auditor payable out of the contingent fund of the House for the per diem of the above-mentioned janitors as it may appear to be due, and the auditor is directed to issue his warrants upon the treasurer therefor in advance of the passage of the legislative appropriation bill.”

Unanimous consent being given, the resolution was taken up for immediate consideration and adopted.

Mr. Neale, from the Committee on Prohibition and Temperance, submitted the following report, which was received:

Your Committee on Prohibition and Temperance has had under consideration,

House Bill No. 138—“A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes’ code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes’ code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered as sections thirty-one-a, thirty-one-b, thirty-seven and thirty-eight as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, thirty-seven and thirty-eight, inclusive, as parts

of chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.'"

And report the same back with the recommendation that it do pass.

Respectfully submitted,

T. S. NEALE, *Chairman.*

Mr. Fortney (of Preston), presented on behalf of Mr. Shaw the petition of J. W. Parker and two hundred others protesting against the enactment of the proposed new school law and asking for amendment of the laws relating to automobile license taxes.

Referred to the Committee on Education.

Mr. Vaughn presented copies of the resolutions adopted by the Business Men's Association of Grafton, W. Va., relative to the Steptoe Bill and good roads.

Referred to the Committee on the Judiciary.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Moore:

House Bill No. 174—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises. distributive shares and legacies."

Referred to the Committee on Taxation and Finance.

By Mr. Cox:

House Bill No. 175—"A Bill authorizing the appointment of a commission to supervise the erection of a monument and markers to designate the location occupied by the Fourth West Virginia Infantry Regiment during the campaign and siege of Vicksburg, within the Vicksburg National Military Park, and making an appropriation for the monument and markers and for the expense of the commission."

Referred to the Committee on Taxation and Finance.

By Mr. Sarver:

House Bill No. 176—"A Bill to amend and re-enact sections one, twenty-one and twenty-nine of chapter five of the acts of the third extraordinary session, one thousand nine hundred and sixteen, laws of West Virginia, concerning primary elections."

Referred to the Committee on the Judiciary.

By Mr. McClintic:

House Bill No. 177—"A Bill to amend and re-enact sections three,

four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

Referred to the Committee on Counties, Districts and Municipal Corporations."

And,

House Bill No. 178—"A Bill to amend and repeal sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of chapter fifteen-j, of Barnes' code, one thousand nine hundred and eighteen, and re-enact the same as sections, fourteen-a, fourteen-b, fourteen-c, fourteen-d, fourteen-e, fourteen-f, and fourteen-g, of chapter one hundred and forty-nine Barnes' code, one thousand nine hundred and eighteen, all relating to cruelty to animals."

Referred to the Committee on the Judiciary.

Mr. McClintic offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 6, relating to the Virginia debt.

"Resolved, By the House of Delegates, the Senate concurring, That the House of Delegates and Senate meet in joint executive session in the hall of House of Delegates on Tuesday, January twenty-eighth, one thousand nine hundred and nineteen, at eight o'clock, P. M., and that Governor J. J. Cornwell, Attorney General E. T. England and John H. Holt be invited to be present and state their respective opinions relative to the present Virginia debt situation."

On the further motion of the same gentleman the rules were suspended and the resolution taken up for immediate consideration and adopted.

Ordered, That Mr. McClintic communicate to the Senate the adoption of the resolution.

Mr. Coon offered the following resolution:

HOUSE JOINT RESOLUTION No. 3—"Authorizing and directing the supreme court of appeals of West Virginia to grant to Lee A. Dingess, of Halcyon, West Virginia, a license to practice law in the courts of said state."

WHEREAS, Lee A. Dingess, of Halcyon, West Virginia, is shown

to be a gentleman of good moral character, over twenty-one years of age and a citizen of said state, having resided therein all of his life; and

WHEREAS, it is well recognized that the said Lee A. Dingess has the qualifications of an able lawyer though he does not have the educational requirements to permit him to enter law college or the state bar examinations for a license to practice law; and

WHEREAS, it is shown that the said Lee A. Dingess has arrived at that age making it impracticable for him to now enter school and acquire the educational requirements aforesaid, and that he is not financially able even if his age would permit him to enter school for said purpose; therefore be it

Resolved, By the legislature of West Virginia, the Senate and the House of Delegates, both concurring therein, that the supreme court of appeals of West Virginia be required to issue to the said Lee A. Dingess a license to practice law in all the courts of said state.

Referred to the Committee on the Judiciary.

On motion of Mr. John, indefinite leave of absence was granted to Mr. McClaren on account of illness.

On motion of Mr. Summers, indefinite leave of absence was granted to Mr. Rouss on account of illness.

On motion of Mr. Starcher, indefinite leave of absence was granted to Mr. Musser on account of illness.

On motion of Mr. Ferguson, indefinite leave of absence was granted to Mr. Harvey on account of illness.

On motion of Mr. McPherson, leave of absence was granted to Mr. Jones for one day.

On motion of Mr. McClintic, the bills on third reading were passed over temporarily (until same were placed on members' desks) and bills on second reading taken up for consideration.

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 52—"A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. McClintic, severally made, the bill was amended as follows:

On page four, section two, line fifteen, by striking out after the word "offense" the words "they shall be owners of real estate in their own names."

And,

On same page, same section, line sixteen, by inserting after the word "and" the words "shall be."

Mr. Twyman moved to amend the bill on page six, by striking out all of section four.

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

House Bill No. 100—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 111—"A Bill to authorize the board of education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun, but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 71—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Howard, indefinitely postponed.

House Bill No. 19—"A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the negro race, and to provide for the management of such institution."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 15—"A Bill to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Rankin moved to amend the bill on page one, section one, line two, by striking out the words "and blind."

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

Senate Bill No. 17—"A Bill to fix the salaries of the governor and the judges of the supreme court of appeals."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Moore, made a special order for Monday, January 27th, at 11 o'clock, A. M.

Senate Bill No. 4—"A Bill to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia, relating to compensation of commissioners."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 32—"A Bill to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code, relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterwards bring a second cause of action against them."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

SENATE JOINT RESOLUTION No. 4—"Relating to the Twin Mountain and Potomac Railroad Company."

Coming up in regular order for consideration, was read by the Clerk.

On motion of Mr. Twyman, the resolution was amended, adding

after the word "destroyed" at end of resolution the words "this resolution shall not be so construed as to commit the legislature to government ownership of railroads, but shall be considered as an expression of sympathy for those who have made a bad investment."

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Clements, Coberly, Coon, Cuppett, Kern, Mahan, Miller, McClintic, O'Connor, Perin and Stover—12.

The noes were:

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kuykendall, Lantz, Lester, Mollohan, Moore, Morris, McCauley, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—56.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Hale, Harvey, Hersman, Hilleary, Jones, Moran, Moulds, Musser, McClaren, McPherson, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Summers, Thomas, Vanmeter and Williams (of Ohio)—25.

So, a majority of all the members present and voting not having voted in the affirmative, the resolution was rejected.

Ordered, That Mr. Stover communicate to the Senate the rejection of the resolution.

Senate Bill No. 14—"A Bill to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by section one of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, of chapter twenty-seven of the acts of the legislature of West Virginia, of one thousand nine hundred and seven as amended by section four of chapter five, of the extra session of the acts of the legislature of West Virginia, of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—64.

The noes were:

Messrs. Calhoun and Rankin—2.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Ferguson, Grove, Hale, Harvey, Hersman, Hilleary, John, Jones, Moran, Moulds, Musser, McClaren, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Summers, Thomas, Vanmeter and Williams (of Ohio)—27.

Mr. Godfrey moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—65.

The noes were:

Mr. Rankin—1.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Ferguson, Grove, Hale, Harvey, Hersman, Hilleary, John, Jones, Kuykendall, Moran, Moulds, Musser, McClaren, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—27.

So, two-thirds of all the members elected to the House, having voted

in the affirmative, the Speaker declared the bill (S. B. No. 14) takes effect from its passage.

Ordered, That Mr. Wysong communicate to the Senate concurrence of the House in the passage of the bill to take effect from its passage.

Unanimous consent being given, Mr. Moore offered the following resolution:

WHEREAS, On the fourteenth day of January, one thousand nine hundred and nineteen, certain written and specific charges were lodged with this House, charging George C. Sturgiss, judge of the twenty-third juricial circuit of West Virginia, of being guilty of unlawful acts, conduct and behavior in office, constituting offenses which should be investigated by this House, and,

WHEREAS, On the day aforesaid the said charges as filed with the House were referred to the Judiciary Committee for investigation, and,

WHEREAS, the Judiciary Committee has fixed Friday, January the thirty-first, one thousand nine hundred and nineteen, at ten o'clock A. M., as the day on which it will commence to hear evidence in relation to said charges and at which time it will be necessary to summon witnesses and compel their attendance; now, therefore, be it

Resolved, That the Judiciary Committee be, and it is by this resolution, empowered to summon before it witnesses and compel the attendance of witnesses and persons, including members of this House, and to examine them under oath touching the matters in relation to said charges against the said George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, to employ stenographers, or other clerical assistance, and report their proceedings and finding to the House, with all the evidence introduced before said Judiciary Committee."

On motion of the same gentleman, the rules were suspended, and the resolution taken up for immediate consideration and adopted.

Senate Bill No. 43—"A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hendricks,

Hickman, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—68.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Hale, Harvey, Hersman, Hilleary, John, Jones, Moran, Moulds, Musser, McClaren, McPherson, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—25.

Ordered, That Mr. Kern communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 43).

Senate Bill No. 44—"A Bill to create a court of limited judisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Plesants), Wysong and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Coon, Grove, Hale, Harvey, Hersman, Hilleary, Jones, Moran, Moulds, Musser, McClaren, McPherson, Nutter, Otto, Pedigo, Perin, Pridemore, Rouss, Shaw, Sturm, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—28.

Ordered, That Mr. Miller communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 44).

On question of personal privilege,

Mr. Hall moved that House Bill No. 125, originally referred to the Committee on Taxation and Finance, but considered and reported back by the Committee on the Judiciary, be recommitted to the Committee on Taxation and Finance.

Pending the discussion of which,

Mr. Wysong moved that the motion of Mr. Hall be tabled until Monday, January 27th,

Which motion prevailed.

Mr. Pettigrew moved to adjourn until 10 o'clock, Monday, January 27th.

Which motion did not prevail.

Senate Bill No. 25—"A Bill to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia of the year eighteen hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Stover, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—66.

The noes were: None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Cox, Harvey, Hersman, Hilleary, Jones, Moran, Moulds, Musser, McClaren, Mc-

to be a gentleman of good moral character, over twenty-one years of age and a citizen of said state, having resided therein all of his life; and

WHEREAS, it is well recognized that the said Lee A. Dingess has the qualifications of an able lawyer though he does not have the educational requirements to permit him to enter law college or the state bar examinations for a license to practice law; and

WHEREAS, it is shown that the said Lee A. Dingess has arrived at that age making it impracticable for him to now enter school and acquire the educational requirements aforesaid, and that he is not financially able even if his age would permit him to enter school for said purpose; therefore be it

Resolved, By the legislature of West Virginia, the Senate and the House of Delegates, both concurring therein, that the supreme court of appeals of West Virginia be required to issue to the said Lee A. Dingess a license to practice law in all the courts of said state.

Referred to the Committee on the Judiciary.

On motion of Mr. John, indefinite leave of absence was granted to Mr. McClaren on account of illness.

On motion of Mr. Summers, indefinite leave of absence was granted to Mr. Rouss on account of illness.

On motion of Mr. Starcher, indefinite leave of absence was granted to Mr. Musser on account of illness.

On motion of Mr. Ferguson, indefinite leave of absence was granted to Mr. Harvey on account of illness.

On motion of Mr. McPherson, leave of absence was granted to Mr. Jones for one day.

On motion of Mr. McClintic, the bills on third reading were passed over temporarily (until same were placed on members' desks) and bills on second reading taken up for consideration.

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 52—"A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. McClintic, severally made, the bill was amended as follows:

On page four, section two, line fifteen, by striking out after the word "offense" the words "they shall be owners of real estate in their own names."

And,

On same page, same section, line sixteen, by inserting after the word "and" the words "shall be."

Mr. Twyman moved to amend the bill on page six, by striking out all of section four.

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

House Bill No. 100—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 111—"A Bill to authorize the board of education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun, but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 71—"A Bill to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Howard, indefinitely postponed.

House Bill No. 19—"A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the negro race, and to provide for the management of such institution."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 15—"A Bill to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Rankin moved to amend the bill on page one, section one, line two, by striking out the words "and blind."

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

Senate Bill No. 17—"A Bill to fix the salaries of the governor and the judges of the supreme court of appeals."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Moore, made a special order for Monday, January 27th, at 11 o'clock, A. M.

Senate Bill No. 4—"A Bill to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia, relating to compensation of commissioners."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 32—"A Bill to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code, relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterwards bring a second cause of action against them."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

SENATE JOINT RESOLUTION No. 4—"Relating to the Twin Mountain and Potomac Railroad Company."

Coming up in regular order for consideration, was read by the Clerk.

On motion of Mr. Twyman, the resolution was amended, adding

after the word "destroyed" at end of resolution the words "this resolution shall not be so construed as to commit the legislature to government ownership of railroads, but shall be considered as an expression of sympathy for those who have made a bad investment."

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Clements, Coberly, Coon, Cuppett, Kern, Mahan, Miller, McClintic, O'Connor, Perin and Stover—12.

The noes were:

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kuykendall, Lantz, Lester, Mollohan, Moore, Morris, McCauley, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—56.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Hale, Harvey, Hersman, Hilleary, Jones, Moran, Moulds, Musser, McClaren, McPherson, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Summers, Thomas, Vanmeter and Williams (of Ohio)—25.

So, a majority of all the members present and voting not having voted in the affirmative, the resolution was rejected.

Ordered, That Mr. Stover communicate to the Senate the rejection of the resolution.

Senate Bill No. 14—"A Bill to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three, as amended by section one of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four, of chapter twenty-seven of the acts of the legislature of West Virginia, of one thousand nine hundred and seven as amended by section four of chapter five, of the extra session of the acts of the legislature of West Virginia, of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—64.

The noes were:

Messrs. Calhoun and Rankin—2.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Ferguson, Grove, Hale, Harvey, Hersman, Hilleary, John, Jones, Moran, Moulds, Musser, McClaren, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Summers, Thomas, Vanmeter and Williams (of Ohio)—27.

Mr. Godfrey moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—65.

The noes were:

Mr. Rankin—1.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Ferguson, Grove, Hale, Harvey, Hersman, Hilleary, John, Jones, Kuykendall, Moran, Moulds, Musser, McClaren, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—27.

So, two-thirds of all the members elected to the House, having voted

in the affirmative, the Speaker declared the bill (S. B. No. 14) takes effect from its passage.

Ordered, That Mr. Wysong communicate to the Senate concurrence of the House in the passage of the bill to take effect from its passage.

Unanimous consent being given, Mr. Moore offered the following resolution :

WHEREAS, On the fourteenth day of January, one thousand nine hundred and nineteen, certain written and specific charges were lodged with this House, charging George C. Sturgiss, judge of the twenty-third juricial circuit of West Virginia, of being guilty of unlawful acts, conduct and behavior in office, constituting offenses which should be investigated by this House, and,

WHEREAS, On the day aforesaid the said charges as filed with the House were referred to the Judiciary Committee for investigation, and,

WHEREAS, the Judiciary Committee has fixed Friday, January the thirty-first, one thousand nine hundred and nineteen, at ten o'clock A. M., as the day on which it will commence to hear evidence in relation to said charges and at which time it will be necessary to summon witnesses and compel their attendance; now, therefore, be it

Resolved, That the Judiciary Committee be, and it is by this resolution, empowered to summon before it witnesses and compel the attendance of witnesses and persons, including members of this House, and to examine them under oath touching the matters in relation to said charges against the said George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, to employ stenographers, or other clerical assistance, and report their proceedings and finding to the House, with all the evidence introduced before said Judiciary Committee."

On motion of the same gentleman, the rules were suspended, and the resolution taken up for immediate consideration and adopted.

Senate Bill No. 43—"A Bill to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were :

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hendricks,

Hickman, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wy-song and Wolfe (Speaker)—68.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Hale, Harvey, Hersman, Hilleary, John, Jones, Moran, Moulds, Musser, McClaren, McPherson, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—25.

Ordered, That Mr. Kern communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 43).

Senate Bill No. 44—"A Bill to create a court of limited judisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Plesants), Wy-song and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Coon, Grove, Hale, Harvey, Hersman, Hilleary, Jones, Moran, Moulds, Musser, McClaren, McPherson, Nutter, Otto, Pedigo, Perin, Pridemore, Rouss, Shaw, Sturm, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—28.

Ordered, That Mr. Miller communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 44).

On question of personal privilege,

Mr. Hall moved that House Bill No. 125, originally referred to the Committee on Taxation and Finance, but considered and reported back by the Committee on the Judiciary, be recommitted to the Committee on Taxation and Finance.

Pending the discussion of which,

Mr. Wysong moved that the motion of Mr. Hall be tabled until Monday, January 27th,

Which motion prevailed.

Mr. Pettigrew moved to adjourn until 10 o'clock, Monday, January 27th.

Which motion did not prevail.

Senate Bill No. 25—"A Bill to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia of the year eighteen hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, McCauley, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Stover, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—66.

The noes were: None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coleman, Cox, Harvey, Hersman, Hilleary, Jones, Moran, Moulds, Musser, McClaren, Mc-

Pherson, Nutter, Otto, Pedigo, Pettigrew, Pridemore, Rouss, Shaw, Starcher, Sturm, Taylor, Thomas, Vanmeter and Williams (of Ohio)—27.

Mr. Mahan moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Morris, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coberly, Coleman, Cox, Cuppett, Harvey, Hersman, Hilleary, Jones, Lester, Mollohan, Moran, Moulds, Musser, McClaren, Nutter, Otto, Pedigo, Pridemore, Rouss, Shaw, Sturm Taylor, Thomas, Thurmond, Vanmeter and Williams (of Ohio)—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 25) takes effect from its passage.

Ordered, That Mr. Mahan communicate to the Senate the concurrence of the House in the passage of the bill, to take effect from its passage.

On motion of Mr. McClintic, the House adjourned until 10 o'clock, A. M., Monday, January 27th.

MONDAY, JANUARY 27, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of Saturday last,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received.

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."

Also,

House Bill No. 151—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."

Also,

House Bill No. 107—"A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the said state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

Also,

House Bill No. 127—"A Bill to levy a privilege tax on the transportation of natural gas by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax and defining the duties of said tax commissioner hereunder."

And,

House Bill No. 174—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of

the code of West Virginia, relating to taxes on inheritance, devises, distributive shares and legacies."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Richards (by request):

House Bill No. 179—"A Bill to amend chapter one hundred and twenty of the code by adding thereto section nine relating to prosecuting attorneys."

Referred to the Committee on the Judiciary.

By Mr. Moore:

House Bill No. 180—"A Bill to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia."

Referred to the Committee on the Judiciary.

And,

House Bill No. 181—"A Bill to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand nine hundred and five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance."

Referred to the Committee on the Judiciary.

By Mr. Brammer:

House Bill No. 182—"A Bill to amend and re-enact section twenty-eight of chapter forty-five of Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the salaries of teachers."

Referred to the Committee on Education.

By Mr. Parsons (by request):

House Bill No. 183—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a State Racing Commission to control the same and describing its powers and uses."

Referred to the Committee on Taxation and Finance.

By Mr. Grove:

House Bill No. 184—"A Bill to amend and re-enact sections three and seventeen and eighteen of the live stock sanitation law,

chapter thirteen, acts of one thousand nine hundred and fifteen.”
Referred to the Committee on Immigration and Agriculture.

By Mr. Brand:

House Bill No. 185—“A Bill to amend and reenact section nineteen of chapter sixty-two of the West Virginia code of nineteen hundred and thirteen as amended and re-enacted by chapter fourteen of the acts of the legislature of nineteen hundred and fifteen, relating to the preservation of certain useful animals, fish and birds, forests and streams.

Referred to the Committee on Game and Fish.

By Mr. Godfrey:

House Bill No. 186—“A Bill relating to bank transactions after twelve o'clock noon on Saturdays.

Referred to the Committee on Corporations and Joint Stock Companies.

By Mr. McClintic:

House Bill No. 187—“A Bill authorizing any bank or trust company incorporated under the laws of this state to become a member of a federal reserve bank; vesting in such bank or trust company all powers conferred upon member banks by the federal reserve act, subject to the restrictions and limitations imposed by or under that act; providing as to reserve requirements and examinations.

Referred to the Committee on Private Corporations and Joint Stock Companies.

By Mr. McClintic:

House Bill No. 188—“A Bill concerning notaries public who are stockholders, directors, officers, or employees of banks or other corporations.

Referred to the Committee on the Judiciary.

By Mr. Rankin:

House Bill No. 189—“An amendment to chapter fourteen-*p*, page two hundred and forty-three, section thirty-eight, Barnes' code of one thousand nine hundred and eighteen, to be known as section thirty-eight-*a*, appropriating one hundred thousand dollars for the support of the unemployed.

Referred to the Committee on Taxation and Finance.

By Mr. Bray:

House Bill No. 190—“A Bill fixing the liability of a bank to its depositors for payment of forged or raised checks.

Referred to the Committee on Private Corporations and Joint Stock Companies.

On motion of Mr. Moore, leave of absence was granted to Mr. John, for three days.

Senate Bill No. 18—"A Bill to amend and re-enact chapter nine of the acts of the legislature of West Virginia, session one thousand nine hundred and fifteen, granting a charter to the city of Bluefield."

As amended by the House.

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), and Wolfe (Speaker)—74.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Clements, Coberly, Hamilton, Harvey, Hersman, John, Morris, Musser, Otto, Pridemore, Rouss, Stover, Sturm, Summers, Thomas, Vanmeter, Williams (of Ohio) and Wysong—19.

Mr. Pedigo moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler,

Starcher, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), and Wolfe (Speaker)—76.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Clements, Coberly, Grove, Harvey, Hersman, John, Musser, Otto, Pridemore, Rouss, Sturm, Summers, Thomas, Vanmeter, Williams (of Ohio), and Wysong—17.

So, two thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 18) takes effect from its passage.

Ordered, That Mr. Pedigo communicate to the Senate the passage of the bill, as amended to take effect from its passage, and request concurrence in the amendments.

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Clements, Coberly, Harvey, Hersman, John. Musser, Otto, Pridemore, Rouss, Sturm, Summers, Thomas, Vanmeter, Williams (of Ohio) and Wysong—16.

Ordered, That Mr. Fortney (of Preston) communicate to the Senate the passage of the bill (H. B. No. 54) and ask concurrence therein.

House Bill No. 52—"A Bill to amend and re-enact sections, two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Conner, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Clements, Coberly, Harvey, Hersman, John, Musser, Otto, Pridemore, Rouss, Sturm, Summers, Thomas, Vanmeter, Williams (of Ohio) and Wysong—16.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 52) and ask concurrence therein.

The hour having arrived to which

Senate Bill No. 17—"A Bill to fix the salaries of the governor and the judges of the supreme court of appeals."

On second reading, was made a special order, was taken up for consideration and read a second time.

Mr. Rankin moved to amend the bill by striking out the enacting clause,

Pending the discussion,

Mr. Thurmond moved the previous question, which motion was sustained.

Thereupon,

The Speaker propounded the question: "Shall the main question be now put?"

The question prevailing.

The Speaker propounded the main question: "Shall the enacting clause of the bill be stricken out?"

The vote being taken, the amendment did not prevail.

Mr. Hall moved to amend the bill on page one, line three, by striking out the word "ten" and inserting in lieu thereof the word "eight," which motion did not prevail.

Mr. Hall moved to amend the bill on page one, line six, by striking out the word "eight" and inserting in lieu thereof the word "seven."

And,

On that question,

Mr. Hall demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Brand, Calhoun, Cox, Ferguson, Hall, Hays, Hobbs, Jones, Kuykendall, Lantz, Lester, Mahan, Mollohan, McCauley, McPherson, Neal (of Webster), Peck, Rankin, Sarver, Shaw, Taylor, and Wolfe (Speaker)—22.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Hendricks, Hickman, Hilleary, Houvouras, Howard, Kern, Miller, Moore, Moran, Morris, Moulds, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Parsons, Pedigo, Perin, Pettigrew, Richards, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants)—56.

Absent and not voting:

Messrs. Bland, Coberly, Harvey, Hersman, John, Musser, Otto, Pridemore, Rouss, Sturm, Summers, Thomas, Vanmeter, Williams (of Ohio) and Wysong—15.

So, a majority of the members present not having voted in the affirmative, the amendment did not prevail.

The bill was then ordered to its third reading.

On motion of Mr. Kuykendall, the House recessed until 2 o'clock,

P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

House Bill No. 100—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code), and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman. Coon, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—71.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Cuppett, Grove, Hale, Hamilton, Harvey, Hays, Hersman, Hickman, John, Moran, Musser, Otto, Pridemore, Rouss, Sturm, Thomas, Vanmeter, Williams (of Ohio) and Wysong—22.

Ordered, That Mr. Blackhurst communicate to the Senate the passage of the bill (H. B. No. 100) and ask concurrence therein.

House Bill No. 111—"A Bill to authorize the Board of Education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moore, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—70.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Cuppett, Grove, Hale, Harvey, Hersman, Hickman, John, Mahan, Moran, Musser, Otto, Pedigo, Pridemore, Rouss, Scott, Sturm, Thomas, Vanmeter, Williams (of Ohio) and Wysong—23.

Ordered, That Mr. Spangler communicate to the Senate the passage of the bill (H. B. No. 111) and ask concurrence therein.

House Bill No. 19—"A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter,

O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—73.

The noes were:

Mr. Shaw.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Grove, Harvey, Hersman, Hickman, John, Mollohan, Musser, Otto, Pridemore, Rouss, Spangler, Sturm, Thomas, Vanmeter, Williams (of Ohio) and Wysong—19.

Ordered, That Mr. Nutter communicate to the Senate the passage of the bill (H. B. No. 19) and ask concurrence therein.

House Bill No. 15—"A Bill to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—76.

The noes were:

Messrs. Kuykendall and Shaw—2.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Harvey, Hersman, John, Musser, Otto, Pridemore, Rouss, Sturm, Thomas, Vanmeter, Williams (of Ohio) and Wysong—15.

Ordered, That Mr. Capehart communicate to the Senate the passage of the bill (H. B. No. 15) and ask concurrence therein.

Senate Bill No. 4—"A Bill to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia, relating to compensation of commissioners."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Mahan, Moore, Moran, Morris, Moulds, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Twyman, Vaughn, Weiss and Williams (of Pleasants)—61.

The noes were:

Messrs. Bray, Cosner, Ferguson, Hall, Hamilton, Lantz, Lester, Miller, Mollohan, McCauley, McPherson, Neal (of Webster), Rankin, Shaw, Summers, Thurmond and Wolfe (Speaker)—17.

Absent and not voting:

Messrs. Bannister, Bland, Capehart, Coberly, Harvey, Hersman, John, Musser, Otto, Pridemore, Rouss, Sturm, Thomas, Vanmeter, Williams (of Ohio) and Wysong—16.

Ordered, That Mr. Starcher communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 4).

Senate Bill No. 32—"A Bill to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code, relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterwards bring a second cause of action against them."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamil-

ton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Hall, Harvey, Hersman, John, Mollohan, Musser, Otto, Pridemore, Rouss, Sturm, Swisher, Thomas, Vanmeter, Williams (of Ohio) and Wysong—18.

Ordered, That Mr. McDermitt communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 32).

A message from the Senate, by Mr. Duty, announced the concurrence by that body in the adoption of

HOUSE CONCURRENT RESOLUTION No. 6, relating to the Virginia debt.

“Resolved, By the House of Delegates, the Senate concurring, That the House of Delegates and Senate meet in joint executive session in the hall of House of Delegates on Tuesday, January twenty-eighth, one thousand nine hundred and nineteen, at eight o'clock, p. m., and that Governor J. J. Cornwell, Attorney General E. T. England and John H. Holt be invited to be present and state their respective opinions relative to the present Virginia debt situation.”

A message from the Senate, by Mr. Sanders, announced the concurrence by that body in the House's amendments to

Senate Bill No. 18—“A Bill to amend and re-enact chapter nine of the acts of the legislature of West Virginia, session one thousand nine hundred and fifteen, granting a charter to the city of Bluefield.”

A message from the Senate, by Mr. Gribble, announced the passage by that body of

Senate Bill No. 101—“A Bill to amend and re-enact sections eleven, twelve, thirteen, fourteen, fifteen and sixteen and add thereto sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of chapter fifty-one of the code relating to notaries public and commissioners

for other states and territories and providing for the appointment of commissioners for the state."

Also,

Senate Bill No. 103—"A Bill to amend and re-enact section eight-a of chapter thirty-nine of the code, relating to county courts, agents of said courts, and members of an advisory committee to county courts."

And,

Senate Bill No. 127—"A Bill to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof and the merger and consolidation of railroads."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Bloch, announced the concurrence of that body in the passage of

House Bill No. 70—"A Bill to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."

A message from the Senate, by Mr. Stewart, announced the concurrence of that body in the passage of

House Bill No. 35—"A Bill authorizing the board of education of Union independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."

House Bill No. 75—"A Bill to amend and re-enact section four of chapter twenty-seven of the acts of one thousand nine hundred and nine."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 76—"A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one, relating to weights and measures."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Hackney, severally made, the bill was amended as follows:

On page four, line nine, after the word "annum" by striking out down to and including the word "annum" in line twelve.

On page six, line seven, after the word "office" by striking out down to and including the word "act" in line nine, and inserting in lieu thereof the words "for a term of four years and receive a salary to be determined by the appointive power."

On page sixteen, section thirty, line four, by striking out the word "three" and inserting in lieu thereof the word "two."

On motion of Mr. Richards, the bill was amended on page seven, section twenty-three, by inserting before the word "those" the words "medicinal articles and to."

On motion of Mr. Moore, the bill was amended on page eight, section twenty-three, line thirteen, by inserting after the word "barrel" the words "half barrel, hamper, keg, drum, jug, jar, crock, bag, pail, wrapper, parcel, package."

On motion of Mr. Godfrey, the bill was amended on page seventeen, section thirty-two, line one, by striking out the words "Scribner's rule" and inserting in lieu thereof the words "Doyle's and Scribner's combined rules."

On motion of Mr. McPherson, the bill was amended on page six, section thirteen, line eleven, by inserting after the word "appointment" the words "unless removed for just cause."

On motion of Mr. Anderson, the bill was amended on page nine, line sixteen, by inserting after the word "vendor" the words "provided however that this section shall not apply to farmers who manufacture and sell their own butter."

The bill was then ordered to its engrossment and third reading.

House Bill No. 114—"A Bill to amend and re-enact section eight-a of chapter one hundred and fifty of Barnes' code of West Virginia of one thousand nine hundred and sixteen, relating to physicians and surgeons, and examination and qualification of same, and setting forth who are deemed practitioners."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Moore, the bill was amended on page four, line eighteen, by striking out the following words: "and who do not pretend to make a physical diagnosis."

The bill was then ordered to its engrossment and third reading.

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors'

fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Anderson moved to strike out the enacting clause.

Pending the discussion,

On motion of Mr. Weiss, the House adjourned.

TUESDAY, JANUARY 28, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday.

On motion of Mr. Starcher, the further reading thereof was dispensed with.

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration,

House Bill No. 22—"A Bill to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor or his deputies; by providing for a woman inspector to assist with its enforcement; by prescribing penalties for violations thereof; by defining the procedure in prosecutions."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

K. H. STOVER, *Chairman*.

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

HOUSE JOINT RESOLUTION No. 2—"Authorizing the State Board of Health to issue to U. G. Morton of Lizemore, Clay county, West Virginia, a license to practice medicine and surgery.

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. C. HOWARD, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration.

House Bill No. 172—"A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Starcher presented the petition of C. G. Coffman and sixteen other members of the Harrison county bar, protesting against the enactment of Senate Bill No. 11 in its present form, relating to fees for shorthand reporters.

Referred to the Committee on the Judiciary.

Mr. Harvey presented the petition of Local Union, No. 312, U. M. W. of A., of Jodie, Fayette county, West Virginia, asking favorable consideration of House Bills Nos. twenty-one, twenty-two, forty, forty-one, forty-eight, forty-nine, fifty, fifty-three, sixty-five, seventy-six and seventy-eight.

Referred to the Committee on Mines and Mining.

Mr. Shaw presented the petition of Walter Feather and twenty-six others, of Stemple Ridge, Preston county, West Virginia, protesting against the enactment of the new school code.

Referred to the Committee on Education.

The following bills were introduced by motions for leave, read by their titles and referred to the appropriate committees:

By. Mr. Brand (by request):

House Bill No. 191—"A Bill to amend and re-enact section nine of chapter one hundred and twelve of Barnes' code of West Virginia

for one thousand nine hundred and eighteen, providing for the residence and disqualification of a judge of the circuit, intermediate or criminal courts."

Referred to the Committee on the Judiciary.

By Mr. Coberly (by request):

House Bill No. 192—"A Bill to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-four of chapter thirty-one of the code, as amended by chapter sixty-seven of the acts of the legislature of one thousand nine hundred and seventeen, relating to the sale of real estate for delinquent taxes, and to the redemption thereof from such sales and deeds to purchasers thereof."

Referred to the Committee on the Judiciary.

By Mr. Richards (by request):

House Bill No. 193—"A Bill to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as sixty-five-a."

Referred to the Committee on the Judiciary.

And, (by request):

House Bill No. 194—"A Bill to amend and re-enact section forty-nine of chapter fifty-three of the code."

Referred to the Committee on the Judiciary.

By Mr. O'Connor:

House Bill No. 195—"A Bill requiring the personal service of notice upon persons who are residents of this state, whose lands are sent out by the auditor for sale under the provisions of chapter thirty-one of the code, before said lands are sold."

Referred to the Committee on the Judiciary.

By Mr. Shomo:

House Bill No. 196—"A Bill to fix the salary of the prosecuting attorney of Barbour county."

Referred to the Committee on the Judiciary.

By Mr. Parsons:

House Bill No. 197—"A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."

Referred to the Committee on Education.

James W. Weir, Secretary to the Governor, appeared at the bar of the House and presented the following communication:

STATE OF WEST VIRGINIA, EXECUTIVE DEPARTMENT.

CHARLESTON, January 27, 1919.

To the Members of the Senate and House of Delegates:

In accordance with the requirements of section eleven, chapter fifty-one of Barnes' West Virginia code, I beg to transmit herewith to your honorable bodies a list of the Commissioners of Deeds for the State of West Virginia.

Respectfully,

J. J. CORNWELL, *Governor.*COMMISSIONERS OF DEEDS AND DATE OF
APPOINTMENT.

Joseph B. Braman, 111 Broadway, New York, Feb. 3, 1916.

Isaac R. Hite, 1410 H. Street, N. W., Washington, D. C., Feb. 20, 1916.

George H. Corey, 59 Wall Street, New York, Oct. 9, 1917.

John S. Wurst, 1224 Land Title Building, Philadelphia, Pa., June 15, 1918.

Unanimous consent being given,

On motion of Mr. Moore,

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

On second reading, with motion of Mr. Anderson to strike out the enacting clause, pending, was taken up for consideration.

Mr. Moore moved to amend the bill by substituting in lieu thereof the following:

A BILL to amend and re-enact section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting section thirteen of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers; section one of chapter one hundred and ninety-eight of the acts of the legislature of one thousand eight hundred and seventy-two, relating to the annual settlements of certain

county officers; section eight of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of certain county officers.

Be it enacted by the Legislature of West Virginia:

That section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting section thirteen of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers; section one, of chapter one hundred and ninety-eight, of the acts of the legislature of one thousand eight hundred and seventy-two, relating to annual settlements of certain county officers, and section eight, of chapter eighty-three, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers, be amended and re-enacted so as to read as follows:

Section 13. The county court, or tribunal in lieu thereof, of every county shall, in addition to the compensation and salary herein provided, allow to the sheriff for keeping and feeding prisoners as provided by law, the sum of sixty cents per day; *provided, however,* that in any county where the prisoners do not exceed five in number the county court may allow a sum not to exceed seventy-five cents per day; and an additional ten cents per day shall be allowed to the sheriff for each day a person is actually worked on the public road under sentence of any court having jurisdiction; and said court shall allow the actual and necessary expense incurred or expended in sitting for collection of taxes, in arresting, pursuing or transporting persons accused of or convicted of crime and offenses, and in conveying or transferring to or from any state institution to which any person may be committed from his county where, by law, the sheriff is authorized to convey or transfer such persons, and shall allow the actual and necessary expenses incurred or expended in serving summonses, notices and other official papers in connection with the sheriff's office; *provided, however,* that the amount of such expenses so allowed shall not, in the aggregate, exceed the total fees earned by the sheriff for any year for serving such papers.

Whenever a sheriff gives bond with a fidelity and indemnity company as surety, the county court shall pay the premium thereon out of the county treasury. Every sheriff shall file, under oath, monthly, a full accurate and itemized account of all his actual and necessary expenses mentioned in this section before the same shall be allowed by the county court; *provided, however,* such account as

herein required need not be itemized to show purchases of food and supplies for the feeding of prisoners.

1. That sheriffs, and all other officers, whether state, county, district or municipal, who shall collect or receive, or whose official duty it is or shall be to collect, receive or pay out any money belonging to or which is or shall be for the use of the state or of any county, district or municipal corporation, shall make an annual account and settlement therefor on or before the first day of June.

In making the settlement provided for in this section, the present sheriffs shall be allowed three months and until the first day of April following the expiration of their terms in which to make their settlements as of December thirty-one, one thousand nine hundred and twenty, and shall be allowed therefor the same monthly compensation they now receive.

Sec. 8. On or before December first, one thousand nine hundred and twenty, each person elected to the office of clerk of the county court, clerk of the circuit court (or clerk of the criminal or intermediate courts); and on or before December first, one thousand nine hundred and sixteen, each person elected to the office of sheriff, shall file with the county court, or tribunal in lieu thereof, a detailed statement of the probable amount necessary to be expended for deputies, assistants and other employees of their respective offices for the following calendar year; and every year thereafter each of said officers shall, on or before December first, file a like statement, showing in detail the requirements of his office for the service of deputies, assistants and all other employees for the year beginning January first thereafter. If any person or officer shall fail to file the statement hereby required, and at the time required, he shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than fifty nor more than one hundred dollars, or imprisonment not less than thirty days nor more than six month, or both, at the discretion of the court. The county court, or tribunal in lieu thereof, shall, not later than fifteen days after the filing of said statement, take up and consider the same and shall determine and fix an aggregate sum to be expended for the period covered by said statement for the compensation of all such deputies, assistants and other employees of said respective officers, which shall be reasonable and proper, regard being had to the amount of labor necessary to be performed by those to receive the same, and enter upon its court order record a finding of its action. The amount to be expended for the office of clerk of the circuit court shall be fixed by the concurrent jurisdiction of the county

court or tribunal in lieu thereof, and the judge or judges of the circuit court and criminal or intermediate courts; *provided, however*, any taxpayer feeling aggrieved at the allowance made by the county court to the sheriff and any sheriff feeling that the business of his office cannot be conducted properly by the maximum allowance fixed by the county court for office expenditures, or the number of deputies and their salaries, shall be allowed the right of appeal to the circuit court of such county for the purpose of determining the equity of such maximum allowance.

The officers herein named shall appoint and employ such deputies, assistants and other employees in the manner provided by law, as may be necessary for their respective offices and fix their compensation, and shall file with the clerk of the county court or other tribunal in lieu thereof, a statement in writing showing such action and setting forth the name of each deputy, assistant and employee, the time for which employed and the monthly compensation; but the compensation for all deputies, assistants and other employees shall not exceed in the aggregate for each office, the amount so fixed for that office as hereinbefore provided. The compensation of the sheriff, clerk of county court, clerk of the circuit court (or clerk of the circuit and criminal or intermediate courts), and prosecuting attorney shall be paid monthly to those entitled to the same out of the county fund in the manner provided by law; and the compensation of their deputies, assistants and other employees, duly appointed or employed, after being so fixed, shall be paid monthly to those entitled to same out of the county fund. The county court (or other tribunal in lieu thereof), after filing of the statement provided for by this section, showing the names of the deputies, assistants and other employees, the time for which employed and their compensation may, by order of record, authorize and direct orders or drafts on the treasurer, payable out of the general county fund, to be drawn in favor of the officer, his deputy, assistants, or employees named in such statement, in payment of the monthly salary to which such officer is entitled, and in payment of the monthly compensation to which his deputy, assistant or employee is entitled, and when such order has been entered of record, the president and clerk of the county court (or other tribunal in lieu thereof) shall be authorized to sign such orders and drafts for the purposes aforesaid; *provided, however*, that no orders shall be issued to the officer or deputy, assistant or other employees until the officer has filed a detailed monthly statement with the county treasurer and has filed with the county clerk a duplicate copy thereof, together

with a receipt from the county treasurer, showing that he has paid into the county treasury all fees, costs, percentages, commissions, allowances, compensation, income and all other perquisites of whatever kind that have been collected during said month, as shown by said statement. The officers herein named shall have authority to discharge any deputy, assistant or other employee, by filing with the clerk of the county court or tribunal in lieu thereof, a statement in writing showing such action. All statements required to be filed by this section, shall be verified by the affidavit of the person making them, and among other things contained in the affidavit shall be the statement that the amounts shown therein were the amounts actually paid or intended to be paid to the deputies, assistants, or other employees; that no rebates, agreement, understanding and expectation that any part thereof shall be repaid to him, and that nothing has heretofore been paid or promised him on that account, and that if he shall thereafter receive any money, or thing of value, on account thereof, he will account for and pay the same to the county. Until the statements required by this section have been filed, no allowances or payments shall be made to any officer for deputies, assistants or other employees.

All acts or parts of acts in conflict herewith or inconsistent herewith are hereby repealed.

Mr. Anderson made the point of order that the amendment could not be received, because it relates to a different subject matter,

Which point of order the Speaker declared was well taken.

Subsequently,

Mr. Anderson, unanimous consent being given, withdrew his motion to strike out the enacting clause.

On motion of Mr. Moore, the bill (H. B. No. 115) was then re-committed to the Committee on the Judiciary.

A message from the Senate, by Mr. Fox, announced the adoption by that body of,

SENATE JOINT RESOLUTION NO. 9—"Relating to the cession of the Northwest Territory to the United States by the State of Virginia, and also to the Virginia debt.

WHEREAS, the Government of the United States was made a trustee for Virginia when West Virginia was a part of that state, by the terms of the cession of the North West territory by Virginia in the following plain language:

"That all land within the territory so ceded to the United States and not reserved or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of

the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation, or Federal Alliance, of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose and for no other use or purpose whatsoever."

WHEREAS, the Government of the United States has sold the land embraced in said deed or cession, or the greater part thereof, or has otherwise disposed of the same without settling with, or accounting to, the beneficiaries under the said trust, and is now largely indebted to the states of Virginia and West Virginia on account of funds and property which have come into the hands of the Government and have not been accounted for; and

WHEREAS, the cession of the Northwest territory was a formal, mutual arrangement between the state of Virginia and the then existing Government of the colonies, the Continental Congress; and the constitution of the United States, afterwards adopted, made all "contracts and engagements" of the Confederation binding upon the United States: (Art. VI) and,

WHEREAS, in the opinion last delivered by the Supreme Court, in the case of Virginia against West Virginia, that Court called the attention of Congress to the contract to which the Federal Government was a party, involved in the admission of the State of West Virginia into the union and held that Congress had the power to enforce that contract; and,

WHEREAS, this legislature believes that if the contract involved in the admission of this State is within the powers of Congress to enforce, then the other solemn and explicit contract involved in the cession of the Northwest territory is likewise within the power of the Congress to enforce;

Therefore, be it resolved by the Legislature of West Virginia:

That both of said contracts be, and they are hereby, most respectfully referred to the Congress of the United States; and the Congress is hereby earnestly requested to take into consideration the serious situation involved in the position which this State occupies and the reasonableness of the request that the Government should recognize its obligation to this State and the duty of the Government not to remain in the position of a trustee holding trust funds, yet failing or refusing to account for such funds.

If the Congress does not agree with the suggestion that permission and consent be given to this State to sue the United States in the

Supreme Court in which suit that highest national tribunal could quickly determine the validity of this State's claim and the amount thereof, then it is confidently urged upon the Congress that, in view of the decision that Congress has the power to enforce the contract involved in the admission of West Virginia to statehood, it can but follow that the Congress has the power to enforce the the contract involved in the cession of the Northwest territory by Virginia. The one is the admission into the union of a state whose constitution contained a provision held to be a contract to pay a proportional part of the debt of the State of Virginia; the other is a deed of cession executed by the State of Virginia to the Confederation upon the express condition that the Government should hold and dispose of the land for the "use and benefit" of the Thirteen original states, each to share in proportion to its expenditures in the common defense.

This deed of cession was accepted by the Continental Congress, and the Constitution of the United States transfers to the present Federal Government full responsibility and liability for all "contracts and engagements" of the Confederation (Art VI).

Both contracts required the approval of the Congress. If there be any difference upon the points which would seem to be grounds that would constrain Congress to action, they are in favor of the contract involved in the cession of the Northwest territory. In the admission of West Virginia to statehood, Congress was merely exercising its powers of legislation. It assumed no other or different duty to either Virginia or West Virginia than it assumed to any particular state in admitting say, Ohio, Louisiana or Oklahoma. But at the time of accepting the grant of the Northwest territory, the Continental Congress bore the same relation to Virginia which the United States sustained to France when the latter ceded Louisiana. Virginia could have made the grant or refused to do so, as she saw fit. Therefore the conditions imposed, and the contract which arose by the acceptance, and the assumption of the duties of trustee by the present Federal Government under the provisions of Article VI of the constitution, establish the relation of trustee coupled with an interest, and the United States is the trustee. The Government's concern with the contract of cession partakes of both a private and a public relation. By an act of the Continental Congress it was the cause of having Virginia to part with its title to the property in this vast domain and to surrender its political jurisdiction. By the provisions of the constitution, the present Federal Government assumed all the duties of trustee involved in the "contracts and

engagements" of the Confederation, and extended its political dominion and its legislative power over the territory ceded and the state which made the grant.

Inasmuch as a situation has arisen wherein the Supreme Court has wisely suggested to Congress the duty of exercising its legislative power in enforcing the one contract, the Legislature of West Virginia feels an abiding confidence that the Congress will agree that there are even stronger reasons why Congress should be prompt in giving relief in the matter of the cession than in the case of the admission of a state. Assuredly there will be unanimity in the position that Congress would not grant relief in the one and deny it in the other.

Therefore, the Legislature of West Virginia, desiring to do its full constitutional duty as a State, and ever respecting the decree of the Supreme Court, makes these representations to the Congress.

Resolved, further, that a copy of these preambles and resolutions be sent to the President of the United States and to each senator and representative in Congress from this State, and to the President of the Senate and to the Speaker of the House of Representatives; and that a copy also be sent to the Chief Justice of the Supreme Court of the United States.

And asked the concurrence of the House therein.

Senate Bill No. 17—"A Bill to fix the salaries of the governor and the judges of the supreme court of appeals."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hamilton, Hendricks, Hilleary, Houvouras, Howard, Jones, Kern, Miller, Moore, Moran, Moulds, McClaren, McClintic, McDermitt, McVey, Neal (of Cabell), Nutter, O'Connor, Parsons, Pedigo, Perin, Pettigrew, Richards, Shomo, Starcher, Stover, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—54.

The noes were:

Messrs. Calhoun, Cosner, Cox, Ferguson, Hall, Harvey, Hays, Hersman, Hobbs, Kuykendall, Lantz, Lester, Mahan, Mollohan, Morris, Musser, McCauley, McPherson, Neal (of Webster), Pride-more, Rankin, Rouss, Sarver, Scott, Shaw, Spangler, Summers, Taylor and Wolfe (Speaker)—29.

Absent and not voting.

Messrs. Bland, Hale, Hickman, John, Otto, Peck, Sturm, Thomas, Vanmeter and Williams (of Ohio)—10.

Ordered, That Mr. Moore communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 17).

House Bill No. 75—"A Bill to amend and re-enact section four of chapter twenty-seven, of the acts of one thousand nine hundred and nine."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, O'Connor, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Scott, Shaw, Shomo-Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), and Wolfe (Speaker)—78.

The noes were:

Messrs. Calhoun, Cosner, Ferguson, Neal (of Webster), Peck and Rankin—6.

Absent and not voting:

Messrs. Bland, Hickman, John, Otto, Sturm, Thomas, Vanmeter, Williams (of Ohio) and Wysong—9.

Mr. Starcher moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic,

McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vauhgn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—81.

The noes were:

Messrs. Cosner and Rankin—2.

Absent and not voting:

Messrs. Bland, Hickman, John, O'Connor, Otto, Peck, Sturm, Thomas, Vanmeter and Williams (of Ohio)—10.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 75) takes effect from its passage.

Ordered, That Mr. Starcher communicate to the Senate the passage of the bill to take effect from its passage, and request concurrence therein.

House Bill No. 76—"A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto sections thirty-one and thirty-two, relating to weights and measurers."

On third reading, coming up in regular order for consideration, was read a third time.

Mr. McPherson asked unanimous consent that the bill be laid over, retaining its place on the calendar, which was not given, Mr. McClintic objecting.

The bill was then put upon its passage.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Bray, Byrnes, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—66.

The noes were:

Messrs. Brand, Brammer, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Jones, McPherson, Neal (of Webster), Rouss, Swisher, Thurmond, Twyman and Williams (of Pleasants)—17.

Absent and not voting:

Messrs. Bland, Capehart, Hickman, John, Otto, Peck, Sturm, Thomas, Vanmeter and Williams (of Ohio)—10.

Mr. Stover moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Parsons, Pedigo, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—61.

The noes were:

Messrs. Brand, Bray, Calhoun, Ferguson, Harvey, Hays, Kuykendall, Lantz, Miller, McCauley, Neal (of Webster), Rouss, Thurmond, Twyman and Williams (of Pleasants)—15.

Absent and not voting:

Messrs. Bland, Coberly, Cosner, Hamilton, Hickman, John, Lester, Mollohan, McPherson, Otto, Peck, Pettigrew, Scott, Sturm, Thomas, Vanmeter and Williams (of Ohio)—17

So, two-thirds of all the members elected to the House, not having voted in the affirmative, the Speaker declared that the bill (H. B. No. 76) does not take effect from its passage.

Ordered, That Mr. Hackney communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 114—"A Bill to amend and re-enact section eight-a of chapter one hundred and fifty of Barnes' code of West Virginia of one thousand nine hundred and sixteen, relating to physicians and surgeons, and examination and qualification of same, and setting forth who are deemed practitioners."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cox, Fitch, Fortney (of Harrison), Fortner (of Preston), Grove, Hackney, Hale, Hall, Hendricks, Hilleary, Houvouras, Howard, Mahan, Moore, Moran, Morris, Moulds, Musser, McClintic, McVey, Neal (of Cabell), O'Connor, Pedigo, Perin, Pettigrew, Richards, Rouss, Sarver, Shomo, Starcher, Stover, Taylor, Twyman, Weiss and Wolfe (Speaker)—45.

The noes were:

Messrs. Anderson, Brand, Clements, Cosner, Cunningham, Ferguson, Godfrey, Harvey, Hays, Hersman, Hobbs, Jones, Kuykendall, Lantz, Lester, Mollohan, McCauley, McClaren, McDermitt McPherson, Neal (of Webster), Parsons, Pridemore, Rankin, Scott, Shaw, Spangler, Swisher, Thurmond, Vaughn, Williams (of Pleasants) and Wysong—32.

Absent and not voting:

Messrs. Bland, Coberly, Cuppett, Hamilton, Hickman, John, Kern, Miller, Nutter, Otto, Peck, Sturm, Summers, Thomas, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Moore communicate to the Senate the passage of the bill (H. B. No. 114) and ask concurrence therein.

On motion of Mr. Hays, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Unanimous consent being given, Mr. Weiss offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 7—"Authorizing the janitor of the capitol to employ, under the statute, additional help during the present session of the legislature."

Resolved, By the House of Delegates, the Senate concurring therein:

That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the House, upon proper warrants drawn by the sergeant-at-arms of the House upon the auditor, and five to be paid out of the contingent fund of the Senate upon proper warrants drawn upon the auditor by the Clerk of the Senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the

contingent fund of the House and other half out of the contingent fund of the Senate, upon warrants drawn by the proper officers upon the auditor.

Resolved, further, that the janitor also appoint two charwomen, who shall receive the same compensation as the assistant legislative janitors, one of said charwomen to be paid out of the contingent fund of the House and other out of the contingent fund of the Senate upon warrants drawn upon the auditor by the sergeant-at-arms of the House and the Clerk of the Senate, respectively.

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Ordered, That Mr. Weiss communicate to the Senate the adoption of the resolution and request concurrence therein.

Unanimous consent being given, Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. T. SARVER, *Chairman*.

Unanimous consent being given, the following bills were introduced on motions for leave, read by their titles, and referred to the appropriate committees:

By Mr. Perin:

House Bill No. 198—"A Bill fixing the annual allowance to the clerks of the circuit and county courts of Morgan county."

Referred to the Committee on the Judiciary.

By Mr. Pedigo:

House Bill No. 199—"A Bill to amend and re-enact sub-section twenty-nine-b XXIX of section twenty-nine, chapter one hundred and fifty of the code of West Virginia, one thousand nine hundred and thirteen, relating to the sale of drugs and medicines."

Referred to the Committee on Medicine and Sanitation.

By Mr. Anderson:

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter

fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.”

Referred to the Committee on the Judiciary.

By Mr. Brand:

House Bill No. 201—“A Bill to amend chapter seventy-three of the code of West Virginia, by adding thereto sections thirteen and fourteen, providing for the recordation of instruments in the county where the property is situated and making necessary that deeds and other writings show source of title and making penalty for violation thereof.”

Referred to the Committee on the Judiciary.

By Mr. Howard:

House Bill No. 202—“A Bill to amend and re-enact all of chapter sixty-two-*b* of Barnes’ code of one thousand nine hundred and sixteen, and also as amended and re-enacted by chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of commercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof.”

Referred to the Committee on Immigration and Agriculture.

A message from the Senate, by Mr. Harmer, announced the passage by that body of,

Senate Bill No. 1—“A Bill to amend and re-enact sections four and five of chapter seventy-four of the code of West Virginia.”

And,

Senate Bill No. 2—“A Bill to amend and re-enact section two of chapter seventy-six of the code of West Virginia, as amended and re-enacted by chapter forty-nine of the acts of one thousand nine hundred and seventeen, regular session, relating to forms of releases and acknowledgments.”

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Hough, announced the passage by that body of,

Senate Bill No. 27—“A Bill amending and re-enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five-*a*.”

And asked the concurrence of the House therein.

House Bill No. 145—“A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter

nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 124—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

On first reading, coming up in regular order for consideration,

On motion of Mr. Coon, was indefinitely postponed.

House Bill No. 57—"A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 137—"A Bill to amend and re-enact chapter two of the acts of one thousand nine hundred and five, and chapter one of the acts of one thousand nine hundred and seven of the legislature of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 121—"A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 81—"A Bill to amend and re-enact section thirteen of chapter sixty-six, of the acts of the legislature of one thousand nine hundred and seventeen; serial section one thousand nine hundred and forty supplement of Hogg's code of one thousand nine hundred and eighteen, relative to state road commission."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 93—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Coon reference to a committee was dispensed with, and the bill was ordered to its second reading.

House Bill No. 156—"A Bill to create the department of mines; to re-district the state for the purpose of mine inspection and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 23—"A Bill to amend and re-enact serial section four thousand three hundred and sixty-one of chapter one hundred and forty-nine of the code of West Virginia of one thousand nine hundred and six, concerning houses of ill-fame, and declaring such as common and public nuisances, and providing for the abatement thereof "

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading,

Referred to the Committee on the Judiciary.

Senate Bill No. 104—"A Bill to create and incorporate the municipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Hilleary, reference to a committee was dispensed with, and the bill was ordered to its second reading.

Senate Bill No. 11—"A Bill to amend and re-enact section four of chapter one hundred and fourteen-b of the code of West Virginia, one thousand nine hundred and thirteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 116—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 136—"A Bill amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof,' and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.' "

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 93—"A Bill to regulate the sale of commercial feeding stuffs."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add section seven, eight, nine and ten thereto."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 106—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, sixty-four, ninety-seven, one hundred five, one hundred seven,

one hundred nine, one hundred twenty, one hundred twenty-one, one hundred thirty, and adding sections forty, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred four, of chapter thirty-two of Barnes' code, one thousand nine hundred and eighteen, relating to regulations respecting licenses and license taxes."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 117—"A Bill to make gas pipe lines public service corporations and common carriers within this state."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 153—"A Bill to regulate the practice of architecture in the state of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 138—"A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen by enacting as additional thereto four sections, to be numbered sections thirty-one-a, thirty-one-b, thirty-seven and thirty-eight as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, thirty-seven and thirty-eight, inclusive, as parts of chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 151—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 107—"A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the said state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 127—"A Bill to levy a privilege tax on the transportation of natural gas by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax and defining the duties of said tax commissioner hereunder."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 174—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 101—"A Bill to amend and re-enact sections eleven, twelve, thirteen, fourteen, fifteen and sixteen and add thereto sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of chapter fifty-one of the code relating to notaries public and commissioners for other states and territories and providing for the appointment of commissioners for the state."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 103—"A Bill to amend and re-enact section eight-a of chapter thirty-nine of the code, relating to county courts, agents of said courts, and members of an advisory committee to county courts."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

Senate Bill No. 127—"A Bill to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof and the merger and consolidation of railroads."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

On motion of Mr. Weiss, the House adjourned

WEDNESDAY, JANUARY 29, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday.

On motion of Mr. Houvouras, the further reading thereof was dispensed with.

Mr. Neale (of Cabell), from the Committee on Counties, Dis-

tricts and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

T. S. NEALE, *Chairman*.

Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 197—"A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. T. SARVER, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 143—"A Bill to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the allies during the world war or in any charitable, humane or relief organizations connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings, as memorials to those of them who have died in such service or in any such organization."

Also,

House Bill No. 84—"A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."

And,

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 26—"A Bill to amend and re-enact chapter forty-seven of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, in relation to the authentication and record of maps."

Also,

House Bill No. 126—"A Bill to provide for the recording of affidavits as to the birth, marriage, death, name, residence, identity or relationship of parties to instruments effecting real estate and the use of the same in evidence."

Also,

House Bill No. 33—"A Bill to amend chapter one hundred and thirty of the code of West Virginia relating to evidence and witnesses, by adding thereto an additional section to be numbered forty-eight, so as to provide that when the land described in a patent, deed or other document is subject to an exception or reservation of any part or parts thereof, it shall be presumed, when the same is offered in evidence in any action, suit or proceeding at law or in equity involving the trial or determination of title to real estate or any interest therein, that the land or interest therein in controversy is not included in any such excepted or reserved part or parts."

Also,

House Bill No. 146—"A Bill to amend and re-enact section six, serial section number four thousand four hundred and ten of chapter one hundred and three of Hogg's West Virginia code of one thousand nine hundred and thirteen, relating to the maximum amount that may be recovered in an action for wrongful death."

And,

House Bill No. 180—"A Bill to amend and re-enact section eleven

of chapter one hundred and fourteen of the code of West Virginia."

And report the same back with the recommendation that they do pass.

Respectfully submitted,
E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 149—"A Bill to amend and re-enact chapter sixteen, acts of one thousand nine hundred and fifteen, providing for the establishment of standard weights and measures and for the inspection and sealing of devices used for weighing and measuring commodities."

And,

House Bill No. 142—"A Bill to amend and re-enact section one hundred and sixty-three, chapter fifty of the Barnes' West Virginia code, relating to justices of the peace."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,
E. F. MOORE, *Chairman*.

House Bill No. 149, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 142, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Pettigrew offered the following resolution:

WHEREAS, It is customary for the journal pages to receive more pay than the floor pages, as the work is more complicated and onerous, therefore be it

Resolved, That all journal pages be allowed an increase of two dollars per diem, and that the sergeant-at-arms be ordered to pay the same out of the contingent fund of the House."

Referred to the Committee on Rules

The following bills were introduced on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Pettigrew:

House Bill No. 203—"A Bill creating the office of county treasurer and prescribing the power, duties and compensation thereof."

Referred to the Committee on Taxation and Finance.

By Mr. Moore:

House Bill No. 204—"A Bill to amend and re-enact section three of chapter fifty-four of Barnes' code of West Virginia for one thousand nine hundred and eighteen, prohibiting the incorporation of religious denominations, land selling companies for profit and detective agencies or associations, and providing that such detective agencies or associations now incorporated shall be co-partnerships."

Referred to the Committee on the Judiciary.

Also,

House Bill No. 205—"A Bill to amend and re-enact section eleven of chapter seven of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing for the appointment of deputy circuit and county clerks, deputy sheriffs, and prohibiting the appointment of certain persons as deputy sheriffs."

Referred to the Committee on the Judiciary.

And,

House Bill No. 206—"A Bill to amend and re-enact section twenty of chapter one hundred and fifty-two of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing that certain evidence shall not be used against a person charged with crime."

Referred to the Committee on the Judiciary.

By Mr. Grove:

House Bill No. 207—"A Bill providing for a lien on personal property for repairs thereon."

Referred to the Committee on the Judiciary.

By Mr. Howard:

House Bill No. 208—"A Bill to amend sections twelve, nineteen and twenty of chapter one hundred and thirty seven, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the fees of justices of the peace."

Referred to the Committee on the Judiciary.

By Mr. Williams (of Pleasants):

House Bill No. 209—"A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire lands by condemnation or otherwise, not to exceed ten acres for district high school purposes, and authorizing a special levy to pay for same."

Referred to the Committee on Education.

By Mr. Kern:

House Bill No. 210—"A Bill to authorize the county court of Marion county to establish and maintain a county law library."

Referred to the Committee on the Judiciary.

By Mr. Pedigo (by request):

House Bill No. 211—"A Bill establishing a department of explosives, providing for the appointment of a chief inspector and deputy inspectors to inspect sand mines, sand pits, clay mines, clay pits, quarries and cement works, and making an appropriation to carry out the provisions of this act."

Referred to the Committee on Taxation and Finance.

Mr. Taylor presented the petition of J. R. Dudding and thirty-four other taxpayers of Teays, West Virginia, praying for the enactment of the new school code (known as H. B. No. 40) as a whole.

Referred to the Committee on Education.

Mr. Kern (for Mr. Thomas) presented the petition of M. Z. White and sixty-nine other citizens of Mingo county, West Virginia, praying for the enactment of the new school code (known as H. B. No. 40) as a whole.

Referred to the Committee on Education.

Mr. Harvey presented the petition of George Depoy and fifty-eight others, teachers and taxpayers of Cassaway, Braxton county, West Virginia, praying for the enactment of the new school code (known as H. B. No. 40).

Referred to the Committee on Education.

Mr. Hackney presented the petition of F. D. Burgess, L. A. Edwards, G. D. Bryan and T. H. Mohler, committee appointed by the citizens of St. Albans, praying for the enactment of just laws and regulations preventing discrimination against the citizens of West Virginia, relative to gas conservation.

Referred to the Committee on the Judiciary.

Unanimous consent being given.

The Speaker laid before the House the following communication from the Governor:

STATE OF WEST VIRGINIA, EXECUTIVE DEPARTMENT.

CHARLESTON, January 28, 1919.

HON. J. L. WOLFE,
Speaker of the House,
Charleston, W. Va.

Dear Sir:

I enclose copy of joint resolution passed by the Maryland legislature, which I would be glad to have you lay before the House of Delegates.

Very truly yours,

JNO. J. CORNWELL, *Governor.*

RESOLUTION BY MARYLAND LEGISLATURE.

JOINT RESOLUTION providing for the appointment of a joint Committee by the Senate and House of Delegates of Maryland to confer with a like committee to be appointed by the general assembly of West Virginia, as to the feasibility, method and cost of acquiring or taking over any bridge or bridges connecting the said two states.

WHEREAS, There are several toll bridges crossing the Potomac river and connecting the states of Maryland and West Virginia; and

WHEREAS, Two of the said bridges connect Washington county, Maryland, with Jefferson county, West Virginia; and

WHEREAS, The good roads system of Maryland now connects with one of said four bridges, and is about to connect with another; and

WHEREAS, The said good roads system of Maryland will probably be connected with all four of said bridges before the next regular session of the general assembly of Maryland convenes; and

WHEREAS, All of said bridges are important links in the system of highways, and the only possible means for ordinary travel between the aforesaid counties and states; and

WHEREAS, All of said bridges are partly in one state and partly in the other; and

WHEREAS, It would be to the mutual advantage of the people of the said two states to have the said bridges free from toll; and

WHEREAS, It would be impracticable if not impossible for either state to acquire any of said bridges without the consent of the other; therefore, be it

Resolved, By the Senate and House of Delegates of Maryland, That a joint committee, to be composed of three on the part of the Senate and five on the part of the House of Delegates, be appointed by the President of the Senate and Speaker of the House of Delegates, to confer with a like committee on the part of the general assembly of West Virginia; said committee to investigate and report to the next session of their respective general assemblies the feasibility, proposed method and cost of taking over any or all of the said bridges by either or both of said states; and be it further

Resolved, That the governor of the state of Maryland is hereby requested to transmit a copy of these resolutions to the governor of West Virginia, to be by him laid before the general assembly of West Virginia immediately upon the convening thereof; and be it further

Resolved, That this resolution shall take effect from the first day of June, 1918.

Approved April 10th, 1918.

Referred to the Committee on the Judiciary.

Mr. Moulds presented a communication from A. D. Osborne, superintendent, school officials and teachers of Grant district, Hancock County, endorsing the new school code.

Mr. Starcher, from the Committee on Insurance, submitted the following report, which was received:

Your Committee on Insurance has had under consideration,

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as sections thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen.

And report the same back with the recommendation that it do pass, and take its regular place on the calendar.

Respectfully submitted,

W. E. STARCHER, *Acting Chairman*.

House Bill No. 9, having been reported back by the Committee on Insurance, with the recommendation that it take its regular place on the calendar, on third reading,

The Speaker propounded the question: "Shall the bill be placed on the calendar on third reading?"

The vote being taken, the recommendation of the committee as to placing the bill on third reading did not prevail, and the bill was ordered to its first reading.

Mr. Wysong, from the Committee on Private Corporations and Joint Stock Companies, submitted the following report, which was received:

Your Committee on Private Corporations and Joint Stock Companies, has had under consideration,

House Bill No. 63—"A Bill to license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than six per centum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

A. F. WYSONG, *Chairman.*

Mr. Wysong, from the Committee on Private Corporations and Joint Stock Companies, submitted the following report, which was received:

Your Committee on Private Corporations and Joint Stock Companies, has had under consideration,

House Bill No. 118—"A Bill to standardize checks and drafts of banks, trust companies, banking institutions, corporations, firms and persons."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

A. F. WYSONG, *Chairman.*

House Bill No. 118, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 113—"A Bill to amend and re-enact section twenty-seven-*b* of chapter one hundred and forty-five of the code of West Virginia."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Richards, severally made, the bill was amended as follows:

On page one, section twenty-seven-*b*, line six, by striking out the word "with" and inserting in lieu thereof the word "without."

On page four, line seventeen, by striking out the word "and" and inserting in lieu thereof the word "or."

The bill was then ordered to its engrossment and third reading.

House Bill No. 110—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 104—"A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Twyman moved to amend the bill on page one, section one, line nine, by striking out the word "world" and inserting in lieu thereof the word "great."

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

House Bill No. 116—"A Bill relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 8—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided fu ther' and ending with the words 'taxable property', twenty-nine, all of sub-division 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five, and sections thirty, thirty-one, and thirty-one-a of chapter forty-seven of the West Virginia code, one thousand nine hundred and sixteen, and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and reenact chapter twenty-eight-a of the West Virginia code, one thousand nine hundred and sixteen, relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Kuykendall the bill (H. B. No. 8) was made a special order for Friday, January 31st, at 2.30 o'clock, P. M.

House Bill No. 78—"A Bill to amend section four hundred eighty-three (as amended by section thirty-two of Barnes' code of nineteen hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law.' "

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Starcher, several'y made, the bill was amended as follows:

Section one, page three, line one, by inserting at the beginning of the section the following provision:

"That no child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any gainful occupation except agriculture or domestic service; provided that boys twelve years of age or over may be employed in mercantile establishments and business offices outside of school hours; *provided*, that they obtain special work permits from the school authorities as hereinafter provided."

Section two, page four, by inserting the following sentence before the word "no" in line eighteen:

"No child under the age of sixteen years shall be employed, permitted, or suffered to work in any mine, quarry, tunnel, or excavation."

To amend section three, page five, line fifteen, by striking out the word "or" at the beginning of the line.

Section three, page seven, by adding the following after line fifty-nine:

"*Provided*, that the superintendent of schools, or person authorized by him in writing, shall have authority and is hereby empowered to issue a vacation work permit to children fourteen years of age or over without requiring a statement that the child has completed the sixth grade of the elementary course of study, or its equivalent, as hereinbefore provided. Such vacation work permit shall be different in form and color from the regular work permit and shall

be valid only during the time when the public schools of the district in which the child resides are not in session. Every vacation work permit shall be null and void on the day the public schools open for regular session. *Provided*, further, that the superintendent of schools, or person authorized by him in writing, shall have authority and is hereby empowered to issue a special work permit to any boy twelve years of age or over to work in business offices and mercantile establishments outside of school hours without requiring a statement that he has completed any school grade whatsoever."

Section six, page ten, line five, by striking out the word "seven" and inserting in lieu thereof, the word "six"; and by striking out the word "five" in line six and inserting in lieu thereof the word "seven."

On motions of Mr. John, severally made, the bill was amended as follows:

On page four, line five, by inserting after the word "health" the word "or".

Page four, line eighteen, by striking out the word "sold".

Page ten, line eight, by inserting after the word "establishment" the words "for a period of two hours or more".

On motion of Mr. McCauley, the bill was amended as follows:

Section three, page five, line eight, after the word "writing" by inserting:

"*Provided*, that nothing herein contained shall be construed to require a permit for any child to engage, at any time when the school which such child attends, or should attend, is not in session, in any employment that is not dangerous to life or limb, or injurious to health or morals, for any period not to exceed thirty days."

Mr. Moore moved to amend the bill on page ten, section six, line four, by striking out the word "forty-eight" and inserting in lieu thereof the word "fifty."

Which motion did not prevail.

On motion of Mr. Brand, the bill was amended as follows:

On page ten, line three, by inserting after the word "occupation" the words "except agriculture or domestic service."

The bill was then ordered to its engrossment and third reading.

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

On second reading, coming up in regular order for consideration was read a second time.

Mr. Thurmond rose to the point of order that the same subject matter had been considered and rejected by the House while considering House Bill No. 64.

Which point of order, the Chair takes time to consider until tomorrow morning, the bill (H. B. No. 51) to retain its place on the calendar on second reading.

Mr. Moran asked unanimous consent to introduce a bill, which was not given, Mr. Weiss objecting.

On motion of the same gentleman, the following bill was introduced, read by its title and referred to the appropriate committee:

By Mr. Moran:

House Bill No. 212—"A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred and forty-two-a of Hogg's code, providing for the establishment and location of a miners' hospital in the town of Mullens, Wyoming county, which shall be known as miners' hospital number four."

Referred to the Committee on Humane Institutions and Public Buildings.

Mr. McClintic asked unanimous consent to introduce a bill, which was not given, Mr. Weiss objecting.

On motion of the same gentleman, the following bill was introduced, read by its title and referred to the appropriate committee:

By Mr. McClintic:

House Bill No. 213—"A Bill to enforce publicity of nominations for office made by the governor of West Virginia, or any other officer of West Virginia authorized to make nominations and sent to the Senate of West Virginia for consideration as to confirmation or rejection."

Referred to the Committee on the Judiciary.

Mr. Moore, from the Committee on the Judiciary, asked unanimous consent to submit a report, which was not given, Mr. Weiss objecting.

On motion of the same gentleman, the following report was submitted and received:

Your Committee on Judiciary has had under consideration,

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all

other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b, and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

E' F' MOORE, *Chairman.*

Mr. McPherson asked unanimous consent to offer a resolution, which was not given, Mr. Weiss objecting.

On motion of the same gentleman, the following resolution was offered:

WHEREAS, There have been several petition introduced relative to the new school code, and

WHEREAS, It is thought by some of the members that it would be well for the members of the House to know why said petitions had been introduced; therefore be it

Resolved, That the attached letter be read to the members by the Clerk of the House.

STATE OF WEST VIRGINIA

DEPARTMENT OF SCHOOLS

CHARLESTON, January 25, 1919.

To Teachers, Principals, Supervisors and Superintendents:

House Bill No. 40, the new school code, is still in the House Committee on Education. Most of the objections that have been made to this bill are gradually disappearing and the new code now seems to have good prospects for enactment into law. But the proposed increase of fifty per cent in minimum teachers' salaries is meeting with some opposition. This forenoon a long petition was introduced in the House protesting against any increase in teachers' salaries. That is a suggestion that if the salaries of teachers are to be increased by legislation at this time, the teachers will have to let their wishes be known. It will help tremendously if you will forward to your delegates and senators petitions urging the increase of teachers' salaries and the passage of House Bill No. 40. But in your petitions, please do not forget to include the code as a whole. As the bill will come out of the committee early next week quick action on your part will be necessary. A wire followed by a letter and the petition will be most effective. Petitions from citizens of your community will also be very helpful.

Sincerely yours,

L. J. HANIFAN.

Referred to the Committee on Education.

House Bill No. 58—"A Bill providing for the protection of sheep and other property: listing, taxing and assessing dogs as personal property."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Twyman, laid over, retaining its place on the calendar.

On motion of Mr. Taylor, the House adjourned.

THURSDAY, JANUARY 30, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplin of the House.

Pending the reading of the Journal of yesterday.

On motion of Mr. Blizzard, the further reading thereof was dispensed with.

Mr. McClintic, from the Committee on Game and Fish, submitted the following report, which was received:

Your Committee on Game and Fish has had under consideration,

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' Code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty of chapter fourteen of the acts of one thousand nine hundred and fifteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

GEO. W. MCCLINTIC, *Chairman.*

Mr. Swisher, from the Committee on Roads and Internal Navigation, submitted the following report which was received:

Your Committee on Roads and Internal Navigation beg leave to

report that on Friday, last, it appointed a sub-committee to act jointly with a similar sub-committee of the Senate Committee on Roads and Internal Navigation, and said joint sub-committee has had under consideration

House Bill No. 13—"A Bill providing for the unauthorized use of vehicles."

With title amended to read:

"A Bill amending and re-enacting section one hundred and twenty-five of chapter forty-three of the code of West Virginia by adding section one hundred and twenty-five-a."

And,

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties; section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agent and employes by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

And said joint sub-committee reports the same back with the recommendation that they do pass.

ELMER HOUGH,
Chairman Senate Committee.

Which report is approved by your House Committee on Roads and Internal Navigation.

J. J. SWISHER,
Chairman House Committee.

Mr. Swisher, from the Committee on Roads and Internal Navigation, submitted the following report which was received:

Your Committee on Roads and Internal Navigation beg leave to report that on Friday, last, it appointed a sub-committee to act jointly with a similar sub-committee of the Senate Committee on Roads and

Internal Navigation, and said joint sub-committee has had under consideration

House Bill No. 98—"A Bill to add sections one hundred and eighty-four and one hundred and eighty-five to chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, regulating the daily transportation of articles of freight over class "a" and class "b" roads, or main county roads, improved county roads, roads, streets and alleys in incorporated cities, towns and villages."

And,

House Bill No. 101—"A Bill to amend and re-enact section eighty-seven of chapter sixty-six of the acts of the legislature of nineteen hundred and seventeen, relating to the letting of contracts."

And said joint sub-committee report the same back with the recommendation that they do not pass.

ELMER HOUGH,

Chairman Senate Committee.

Which report is approved by your House Committee on Roads and Internal Navigation.

J. J. SWISHER,

Chairman House Committee.

House Bill No. 98, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 101, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance, has had under consideration,

House Bill No. 183—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance, has had under consideration,

House Bill No. 189—"An amendment to chapter fourteen-*p*, page two hundred and forty-three, section thirty-eight, Barnes' code of one thousand nine hundred and eighteen, to be known as section thirty-eight-*a*, appropriating one hundred thousand dollars for the support of the unemployed."

And report the same back with the recommendation that it do not pass,

Respectfully submitted,

S. L. PARSONS, *Chairman*.

House Bill No. 189, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

House Bill No. 199—"A Bill to amend and re-enact sub-section twenty-nine-*b* of section twenty-nine, chapter one hundred and fifty of the code of West Virginia, one thousand nine hundred and thirteen, relating to the sale of drugs and medicines."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

G. C. HOWARD, *Chairman*.

Mr. McPherson, from the Committee on Railroads, submitted the following report, which was received:

Your Committee on Railroads has had under consideration,

Substitute for House Bill No. 65—"A Bill providing for the protection and comfort of passengers and employees on street and inter-urban railway cars by requiring them to be properly heated, by requiring sanding equipment and seats for motermen and conductors, and requiring properly constructed aisles for the use of passengers and employees."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

W. L. MCPHERSON, *Chairman*.

Mr. Hersman, from the Committee on Immigration and Agriculture, submitted the following report, which was received:

Your Committee on Immigration and Agriculture has had under consideration,

House Bill No. 184—"A Bill to amend and re-enact sections three and seventeen and eighteen of the live stock sanitation law, chapter thirteen, acts of one thousand nine hundred and fifteen."

And,

House Bill No. 202—"A Bill to amend and re-enact all of chapter sixty-two-b of Barnes' code of one thousand nine hundred and sixteen, and also as amended and re-enacted by chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of commercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

A. M. HERSMAN, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 8—"A Bill to require judgments and decrees of the circuit and districts courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia."

Also,

Senate Bill No. 16—"A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, one thousand nine hundred and thirteen."

And,

Senate Bill No. 35—"A Bill to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers."

And report the same back with the recommendation that they do pass,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, Senate Bill No. 11—"A Bill to amend and re-enact section four of chapter one hundred and fourteen-b of the code of West Virginia, one thousand nine hundred and thirteen."

Recommends that it do pass with the following amendment, viz:

By striking from line seven, section four, the word "fifteen" and inserting in lieu thereof the word "twenty".

And,

Senate Bill No. 7—"A Bill to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia."

Recommended that it do pass with the following amendment, viz:

By striking from line four, section thirty-six, the word "one" and inserting in lieu thereof, the word "three".

And report the same back with the recommendation that they do pass as amended,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 10—"A Bill to amend and re-enact section five of chapter one hundred and thirty-three of the code of West Virginia of one thousand nine hundred and thirteen, relating to bills of review and the limitation thereof."

And,

Senate Bill No. 13—"A Bill to amend and re-enact sections three, seventeen and eighteen of chapter one hundred and thirty-five of the code of West Virginia, one thousand nine hundred and thirteen, prescribing the limitations for writs of error and appeals."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Senate Bill No. 10, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Senate Bill No. 13, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 188—"A Bill concerning notaries public who are stockholders, directors, officers, or employees of banks or other corporations."

Also,

House Bill No. 59—"A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."

And,

House Bill No. 167—"A Bill prohibiting the wearing by any person not entitled thereto of an emblem of any secret order or organization and prescribing the penalties of such violations."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 214—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relating to deadly weapons and state license to carry weapons. Originating in Committee on the Judiciary.

And,

House Bill No. 215—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the compensation of grand and petit jurors."

Originating in Committee on the Judiciary.

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 168—"A Bill to amend and re-enact section seven

of chapter one hundred and forty-eight of the code of West Virginia, relative to offenses against the peace."

Also,

House Bill No. 161—"A Bill to amend and re-enact section four of chapter eighty-five of the code of West Virginia, serial section three thousand nine hundred and ninety-one of Hogg's code of one thousand nine hundred and thirteen, relating to the granting of administration upon estates of intestates."

And,

House Bill No. 112—"A Bill to amend and re-enact section thirty-four of chapter one hundred and forty-five, of the code of West Virginia."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

House Bill No. 168, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 161, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 112, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 41—"A Bill establishing a building code, regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."

As amended in Committee,

And report the same back without recommendation,

Respectfully submitted,

E. F. MOORE, *Chairman*.

On motion of Mr. Wysong the bill (H. B. No. 41) was placed on the calendar on first reading.

Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 209—"A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire lands by condemnation or otherwise, not to exceed ten acres for district high school purposes, and authorizing a special levy to pay for same."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

G. T. SARVER, *Chairman.*

The following bills were introduced on motions for leave, read by their titles and referred to the appropriate committees:

Originating in the Committee on the Judiciary:

House Bill No. 214—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relating to deadly weapons and state license to carry weapons."

Originating in the Committee on the Judiciary:

House Bill No. 215—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the compensation of grand and petit jurors."

By Mr. Weiss (by request):

House Bill No. 216—"A Bill to amend and re-enact sections five, six, seven, eight, nine, twelve, thirteen, fourteen, eighteen and nineteen of chapter twenty-one of the acts of the legislature of one thousand nine hundred and fifteen, regular session, entitled, an act to amend, revise and consolidate into one act, an act of the legislature of West Virginia passed February eleventh, one thousand nine hundred and seven; an act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six, entitled an act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts both of the general assembly of Virginia and the legislature of West Virginia, which form a part of the charter of the city of Wheeling; chapter eleven of the acts of the said legislature of West Virginia, one thousand nine hundred and nine; chapter two of the acts of the said legislature of one thousand nine hundred and eight, extra session; chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen, and all other acts of the said legislature, passed since the passage of said act of

February eleventh, one thousand nine hundred and seven, and which have been part of the charter of the city of Wheeling, and being that part of chapter twenty-one of the acts of one thousand nine hundred and fifteen, regular session, known as the Greater Wheeling charter, ratified and adopted by a majority of the votes cast at the general election by the voters of said city at an election held on the fourth Thursday in May, one thousand nine hundred and fifteen, as provided for by chapter twenty-one of the acts of one thousand nine hundred and fifteen, regular session, and to enact and add thereto sections six-a, section six-b and section thirteen-a."

Referred to the Committee on Counties, Districts and Municipal Corporations.

By Mr. Mahan (by request):

House Bill No. 217—"A Bill to amend and re-enact section twelve of chapter one hundred forty-nine of the code, relating to sodomy."

Referred to the Committee on the Judiciary.

By Mr. Howard:

House Bill No. 218—"A Bill to amend and re-enact section twenty-three of chapter forty-one of the code of West Virginia of one thousand nine hundred and thirteen."

Referred to the Committee on the Judiciary.

By Mr. Rouss (by request):

House Bill No. 219—"A Bill to amend and re-enact sections nine and ten of chapter sixty-three of the code of West Virginia, relating to marriages, being serial sections numbered three thousand six hundred and nine and three thousand six hundred and ten of Hogg's code of West Virginia, edition of one thousand nine hundred and thirteen, as amended by chapter nineteen of the acts of Legislature of one thousand nine hundred and seventeen."

Referred to the Committee on the Judiciary.

By Mr. Lester (by request):

House Bill No. 220—"A Bill discontinuing the county high school of Calhoun county, West Virginia, and providing for the sale of the property thereof and the distribution of moneys obtained by levy therefor."

Referred to the Committee on Education.

And,

House Bill No. 221—"A Bill to amend and re-enact section twenty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Shomo (by request):

House Bill No. 222—"Employment of labor;—false advertisements."

Referred to the Committee on Labor.

By Mr. Wysong:

House Bill No. 223—"A Bill to authorize the payment of the expenses of the members of county courts."

Referred to the Committee on the Judiciary.

By Mr. John:

House Bill No. 224—"A Bill to amend and re-enact sections fourteen, fifteen, sixteen and eighteen of chapter one hundred and thirty-three of the code of West Virginia, relating to general receivers of circuit courts."

Referred to the Committee on the Judiciary.

Mr. Mahan presented the petition of Virginia Walker and one hundred and five others of Follansbee, W. Va., praying for the enactment of the new school code (known as H. B. No. 40) as a whole.

Referred to the Committee on Education.

Mr. Vaughn presented the resolution of the Business Men's Association of Grafton, W. Va., endorsing the erection of a memorial hall at the West Virginia University.

Referred to the Committee on Taxation and Finance.

And,

The petition of Miss Rosalean Fleming and forty-three others of Grafton, W. Va., favoring the enactment of a child labor law.

Referred to the Committee on Labor.

Mr. Brand presented the petition of F. D. Wood and one hundred and two others of Morgantown, W. Va., protesting against the Morgantown charter, which proposes a "general manager" plan of government.

Mr. Hamilton offered the following resolution:

HOUSE JOINT RESOLUTION No. 4—Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the pre-eminent location for such sanitarium.

WHEREAS, The close of the world's war finds many soldiers of the armies of the United State of America incapacitated on account of

rheumatism, diabetes and kindred diseases contracted in the discharge of their patriotic duty; and

WHEREAS, The cure of such soldiers would relieve the government from the payment of hundreds of millions in compensation, would release thousands of men for the fields of peaceful industry and be a blessing to those, and their generation, who have suffered the horrors of warfare for their country's sake; and

WHEREAS, The water of the Berkeley Springs, in the state of West Virginia, is pre-eminently fitted for the cure of aforesaid diseases and admirably located for access from the Atlantic seaboard and the national capital; and

WHEREAS, The Congress of the United States of America has recently appropriated the sum of fourteen millions five hundred thousand dollars for the purpose of constructing and equipping buildings suitable for the treatment of the physical disabilities of soldiers; therefore be it

Resolved, by the Legislature of West Virginia, That a committee of five be appointed from the Senate and the House, two by the President of the Senate and three by the speaker of the House, and that the governor of this state appoint a like number at large from the citizens of this state, the governor to be ex-officio chairman thereof, to represent to the secretary of war the advantage to accrue to the nation at large and its disabled defenders by the construction and maintenance of a suitable building at Berkeley Springs, in the state of West Virginia, for the treatment of invalid soldiers for such diseases as the water of said springs is a curative agent.

Referred to the Committee on Taxation and Finance.

Mr. Summers presented the petition of G. W. Morris and 200 other citizens of the district of Pleasant and county of Clay, praying for the passage of House Joint Resolution No. 2, authorizing the state board of health to issue to Dr. U. G. Morton, of Lizemore, Clay county, West Virginia, a license to practice medicine.

Referred to the Committee on Medicine and Sanitation.

Mr. Shaw presented the petition of Isaac M. Wotring and 31 others of Aurora, W. Va., disapproving of the passage of the new school code (known as H. B. No. 40).

Referred to the Committee on Education.

Mr. Blizzard presented the petition of A. A. Hedrick, district superintendent, and 105 others, teachers and taxpayers of Fayette county, W. Va., praying for the enactment of the new school code (known as H. B. No. 40).

Referred to the Committee on Education.

Mr. Hackney presented the communication from G. D. McNeill, president of the Pocahontas county teachers' association, stating that the new school code (known as H. B. No. 40) meets with the approval of said association.

Referred to the Committee on Education.

Mr. Sturm presented the resolution of the association of the denominational college presidents, signed by G. B. Clark, chairman, expressing appreciations of the growing spirit of progressiveness and liberality of West Virginia as is evidenced by the bills now pending before the present session of the Legislature.

Referred to the Committee on Education.

Mr. Stover presented a communication from the teachers of Piedmont district of Mineral county, W. Va., asking for the enactment of the new school code (known as H. B. No. 40).

Referred to the Committee on Education.

Mr. McClintic offered the following resolution:

"Resolved, That the privilege of smoking in the House be extended only to members of the House, clerks and reporters, and smoking by all other persons in this House be prohibited."

Which, under the rules, lies over one day.

On motion of Mr. Stover, House Bill No. 78, on third reading on the calendar, was placed back on second reading for further consideration.

On motion of Mr. Anderson, House Bill No. 85, on third reading on the calendar, was placed back on second reading for further consideration.

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

On second reading,

To which Mr. Thurmond, on yesterday, made the point of order "that the same subject matter had been considered and rejected by the House while considering House Bill No. 64," and

Which point of order the Speaker took time to consider until today. Thereupon,

The Speaker declared the point of order was not well taken.

House Bill No. 113—"A Bill to amend and re-enact section twenty-seven-b of chapter one hundred and forty-five of the code of West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coe, Coe, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Molloy, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—78.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Coon, Cuppett, Godfrey, Hendricks, Moran, McPherson, McVey, Neale (of Cabell), Otto, Shomo, Summers, Thomas, Vanmeter and Williams (of Ohio)—15.

Ordered, That Mr. Richards communicate to the Senate the passage of the bill (H. B. No. 113) and ask concurrence therein.

House Bill No. 110—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew,

Rankin, Richards, Rouss, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—66.

The noes were:

Messrs. Bannister, Coberly, Coleman, Cosner, Grove, Mollohan, Neale (of Cabell), Neal (of Webster), Pridemore, Sarver and Wolfe (Speaker)—11

Absent and not voting:

Messrs. Bland, Coon, Cuppett, Godfrey, Hendricks, Hersman, Lester, Moran, McPherson, McVey, Otto, Shomo, Summers, Thomas, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Howard communicate to the Senate the passage of the bill (H. B. No. 110) and ask concurrence therein.

House Bill No. 104—"A Bill to foster ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker).—81.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Cuppett, Godfrey, Hendricks, Hersman, Moran, McVey, Otto, Shomo, Vanmeter and Williams (of Ohio)—12.

Ordered, That Mr. John communicate to the Senate the passage of the bill (H. B. No. 104) and ask concurrence therein.

House Bill No. 116—"A Bill relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClinic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pride-more, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—73.

The noes were:

Messrs. Anderson and Blizzard—2.

Absent and not voting:

Messrs. Bland, Coleman, Cuppett, Godfrey, Hale, Hendricks, Hileary, John, Lester, Moran, McClaren, McPherson, Otto, Scott, Shomo, Thomas, Vanmeter and Williams (of Ohio)—18.

Ordered, That Mr. Hall communicate to the Senate the passage of the bill (H. B. No. 116) and ask concurrence therein.

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor."

Which was, on motion of Mr. Anderson, placed back on second reading, coming up for consideration, was read a second time.

Mr. Anderson moved to amend the bill on page one, section one, line two, by striking out the word "twenty" and inserting in lieu thereof the word "five".

Which motion did not prevail.

Mr. Anderson then moved to amend the bill on page one, section one, line ten, by striking out the words "one and one-half cents" and inserting in lieu thereof the words "ten cents".

Pending which,

Mr. Hersman moved to amend the amendment by striking out the words "ten cents" and inserting in lieu thereof the words "five cents",

Which motion did not prevail.

The question recurring upon the adoption of the amendment, the same was put by the Chair, and did not prevail.

Mr. Neale (of Cabell), moved that the bill be recommitted to the Committee on Taxation and Finance.

Pending which,

Mr. Weiss moved that the House recess until 2 o'clock, P. M.

Which motion did not prevail.

The question recurring upon recommitment of the bill to the Committee on Taxation and Finance, the same was put by the Chair, and did not prevail.

Mr. Anderson then moved to amend the bill in section one, by striking out the words "one-half cent" and inserting in lieu thereof the words "two cents".

Which motion did not prevail.

The bill was then again ordered to its third reading.

On motion of Mr. Hilleary, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

House Bill No. 78—"A Bill to amend section four hundred eighty-three (as amended by section thirty-two of Barnes' code of nineteen hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law.'"

Which was, on motion of Mr. Stover, placed back on second reading, coming up for consideration, was read a second time.

On motions of Mr. Starcher, severally made, the bill was amended as follows:

Section two, page four, by changing the period (.) at the end of

line twenty-two to a semi-colon (;) and adding thereafter the following:

"And it shall be unlawful for any person, firm or corporation, to take, receive or employ such child for any of the purposes or occupations mentioned in this paragraph."

Section three, page five, line eighteen, by striking out the word "of" between the words "certificate" and "attested" and inserting in lieu thereof the word "or."

Section three, page seven, by striking out the word "each" in line fifty.

By striking out the whole of section nine, on page twelve, and inserting in lieu thereof the following:

Section 9. That sections twenty-four (insofar as it relates to the employment of children) twenty-five, seventy-one, seventy-two, seventy-three, and seventy-four, chapter fifteen-h and section sixteen-d (two) chapter one hundred and forty-four, code one thousand nine hundred and sixteen, and all acts or part of acts inconsistent herewith are hereby repealed.

Mr. Vaughn moved to amend the bill on page one, section one, line five, by striking therefrom the words "in mercantile establishments and business offices."

Which amendment the Speaker declared was out of order because the subject matter was embraced in an amendment adopted by the House on yesterday.

Mr. Brand then moved that the action of the House, by which the amendment was adopted, be reconsidered.

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

A message from the Senate, by Mr. Lewis, announced the passage by that body of

House Bill No. 94—"A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."

As amended by the Senate, to take effect from its passage, and asked the House to concur in said amendment.

A message from the Senate, by Mr. Chapman, announced the passage by that body of

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-

three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington.”

As amended by the Senate, to take effect from its passage, and asked the House to concur in said amendment.

A message from the Senate, by Mr. Johnson, announced the passage by that body of

Senate Bill No. 88—“A Bill for the prevention of blindness from ophthalmia neonatorum.”

And,

Senate Bill No. 108—“A Bill to amend and re-enact section twenty-three of chapter thirty of the code of West Virginia of one thousand nine hundred and thirteen.”

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Duty, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 3—Proposing an amendment to sections twenty-two and thirty-three of article six of the constitution of this state.

Resolved by the Legislature of West Virginia, two-thirds of all the Members Elected to Each House Agreeing Thereto:

That the following amendments to sections twenty-two and thirty-three of article six of the constitution of this state be, and the same are hereby agreed to, to-wit:

That sections twenty-two and thirty-three of articles six of the constitution of the state of West Virginia be amended so as to read as follows:

Section 22. No session of the legislature shall continue longer than sixty days without the concurrence of two-thirds of the members elected to each House; and no bill shall be received after the forty-fifth day of the session.

Sec. 33. The members of the legislature shall each receive for their services the sum of five hundred dollars per annum and ten cents for each mile travelled in going to and returning from the seat of government by the most direct route. The Speaker of the House of Delegates and the President of the Senate shall each receive an additional compensation of two dollars per day for each day they shall

act as presiding officers. No other allowance or emolument than that to the members of either house for postage, stationery, newspapers, or any other purpose whatever.

And asked the concurrence of the House therein.

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. McClintic rose to the point of order that under sub-section-c of the constitutional amendment, known as the "Budget amendment," House Bill No. 51 is another appropriation bill, in the meaning of such amendment, and the House is prohibited from considering this bill until the Budget bill, proposed by the Board of Public Works, under such amendment, shall have been finally acted upon by both Houses.

Which point of order, the Chair takes time to consider until tomorrow morning, the bill (H. B. No. 51) to retain its place on the calendar, on second reading.

House Bill No. 58—"A Bill, providing for the protection of sheep and other property: listing, taxing and assessing dogs as personal property."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Thurmond, the bill was read section by section.

Mr. Twyman moved to amend the bill in section one, line eight, after the word "listed," by inserting the following:

"If any person deny the ownership of, or refuse to pay the per capita tax on any dog about his or her premises, the assessor shall then and there kill such dog or dogs and shall keep a memoranda of such killing in a book provided for that purpose."

Which amendment did not prevail.

Mr. Pettigrew moved to amend the bill on page one, section one, line six, commencing with the word "said" by striking out down to and including the word "collected" in line nine.

Which amendment did not prevail.

Mr. Morris moved to strike out all of section one of the bill.

Which motion did not prevail.

Mr. Pettigrew moved to amend the bill on page four, section two, line two, after the word "tags" by inserting the words "to be paid for out of the special dog fund."

Which amendment did not prevail.

On motion of Mr. Cunningham the bill was amended on page four, section two, line ten, by inserting after the word "other" the word "domestic".

On motion of Mr. McClintic, the bill was amended on page four, section two, line eleven, by striking out the word "said" and in line twelve, by striking out the word "dog".

Mr. John moved to amend the bill on page four, section two, by striking out at the beginning of line four down to and including all of line thirteen.

Which motion did not prevail.

Mr. Moore in the Chair.

On motion of Mr. Swisher, the bill was amended on page four, section two, line nine, after the word "dogs" by inserting the words "attacking any person or"

On motion of Mr. Fortney (of Preston), the bill was amended on page four, section two, line six, by striking out after the word "tag" the words "having been".

Mr. Hersman moved to amend the bill on page five, section three, by striking out after the word "execution" the remainder of the section, and inserting in lieu thereof the following:

"Failing to sell however he shall kill same in some humane manner, and shall bury, cremate or otherwise dispose of the dead body or bodies in such a way that they will not become a public nuisance. And for each dog so disposed of he shall receive \$1.00 to be paid out of the dog fund if there be sufficient funds. Otherwise it shall be paid out of the county general fund."

Mr. John moved to amend the amendment by striking out the words "one dollar" and inserting in lieu thereof the words "three dollars".

Which amendment to the amendment did not prevail.

Mr. Grove offered the following substitute amendment:

On page five, section three, line nineteen, following the word "manner", by inserting the following:

"*Provided*, When the scalp of an untaxed dog is presented to the county court of any county the person presenting the same shall receive

from the general county fund two dollars for each and every scalp presented, in such cases no other costs shall be paid."

Which amendment did not prevail.

The question recurring upon the adoption of the amendment offered by Mr. Hersman, the same was put by the Chair and prevailed.

On motion of Mr. Pettigrew, the bill was amended on page five, section three, line nine, by inserting after the word "taxes" the words "on dogs".

Mr. Richards moved to amend the bill on page five, section three, by striking out the word "any" in line thirteen and all of line fourteen.

Which amendment did not prevail.

Mr. Houvouras moved that the House do now adjourn.

Which motion did not prevail.

Mr. Pettigrew moved to amend the bill on page six, section four, line eleven, after the word "property" by inserting the following:

"Which shall not be greater than the assessed value placed on sheep killed by dogs by the owner of said sheep in making his return to the assessor."

Which amendment did not prevail.

The Speaker resumed the Chair.

On motion of Mr. Grove, the bill was amended on page seven, section seven, line twenty, by inserting after the word "damage" the following:

"*Provided, further,* nothing herein contained shall prevent any person from driving off his premises or killing any stray dog trespassing upon his property."

On motions of Mr. Cunningham, severally made, the bill was amended as follows:

On page seven, section seven, line eight, by striking out the word "if not found excessive".

On page seven, section seven, line twenty, after the word "act" by inserting the following:

"And any dog having symptoms of, or known to have hydrophobia shall be killed by any one without being held liable to damage."

On motion of Mr. Pettigrew, the bill was amended on page eight, section nine, line four, by striking out the remainder of the section and inserting in lieu thereof the words "county road fund".

On motion of Mr. Mahan, the bill was amended on page eight, section ten, line four, after the word "dog" by inserting the following:

"That no person not a citizen of the United States shall be allowed to own or harbor any dog or dogs".

Mr. Twyman moved to amend the bill by striking out all of section ten.

Which amendment did not prevail.

Mr. McClintic moved to amend the bill on page nine, section eleven, line five, by striking out after the word "dollars" the remainder of the section.

Which motion did not prevail.

On motion of Mr. McClintic, the bill was amended on page nine, section eleven, after the word "otherwise" by inserting the following: "Any one violating the last provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars."

On motion of Mr. Brand, the bill was amended on page nine, at the end of section twelve, by inserting the following: "A justice of the peace shall have jurisdiction to try offences under this act".

Mr. Pettigrew moved to reconsider the vote by which the amendment on page seven, section seven, line eight, to strike out the words "if not found excessive" was adopted.

Which motion prevailed.

The question recurring on the amendment (as adopted) the same was put by the Chair, and the amendment did not prevail.

Mr. Thurmond moved to reconsider the vote by which the House refused to adopt the amendment offered by Mr. McClintic on page nine, section eleven, line five, to strike out the following: "All dogs shall be kept confined at night, either by chain and collar or enclosed in their kennel, except such times as their owners may have use for them in the chase or otherwise".

Which motion did not prevail.

On motion of Mr. Morris,

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add section seven, eight, nine and ten thereto."

On second reading,

Was substituted for and in lieu of,

House Bill No. 58—"A Bill, providing for the protection of sheep and other property; listing, taxing and assessing dogs as personal property."

The bill,

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add sections seven, eight, nine and ten thereto."

Was then ordered to its engrossment and third reading.

On motion of Mr. Starcher, the House adjourned.

FRIDAY, JANUARY 31, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday.

On motion of Mr. Swisher, the further reading thereof was dispensed with.

House Bill No. 44—"A Bill to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington."

Being a message from the Senate on yesterday, was taken up for consideration, and together with the amendments proposed by the Senate, was reported by the Clerk.

The amendment proposed by the Senate was reported by the Clerk and agreed to.

The amendment is as follows:

Election of Officers.

"Sec. 25. On the fourth Monday in May, one thousand nine hundred and nineteen, and on the same day in every third year thereafter, there shall be elected by the qualified voters of the whole city a mayor and four commissioners, who shall hold their offices from the time of their qualification on and from the second Monday of the

next succeeding June for the term of three years, and until their successors are elected and a majority thereof shall qualify, and the term of office of the present board of commissioners shall cease and determine on the second Monday in June, one thousand nine hundred and nineteen, and they shall be superceded by the persons elected to said board at said election."

And inserting in lieu thereof the following:

Election of Officers.

"Section 25. On the fourth Monday in May, one thousand nine hundred and nineteen, there shall be elected by the qualified voters of the city, a mayor and two commissioners who shall hold their offices from the time of their qualification on and from the second Monday in June, then next succeeding, for the term of three years and until their successors are elected and a majority thereof shall qualify, and the two commissioners, Mat Miser and L. D. Newman, who are now holding the office of commissioner under the present laws governing said city by election by the people shall remain in office until the expiration of the term for which they were elected and until their successors shall be chosen in the manner herein provided. When the terms of office of the said two present commissioners shall expire or if the term of either or both of them shall be otherwise sooner terminated, their successors shall be chosen in the same manner as provided in the act for the filling of vacancies in the office of commissioner, and on the fourth Monday in May, one thousand nine hundred and twenty-two, and on the same day in every third year thereafter, there shall be elected by the qualified voters of the city, a mayor and four commissioners who shall hold their offices from the time of their qualification on and from the second Monday in June, then next succeeding, for the term of three years and until their successors are elected and a majority of them shall qualify. *Provided, however,* that if this act is not in effect a sufficient time to make the registration of voters and hold the primary election for the first election, herein provided, then the said primary election for the first election hereunder shall be held on the second Monday in August, one thousand nine hundred and nineteen, and the general election hereunder shall be held on the second Monday in September, one thousand nine hundred and nineteen, and all the provisions of this act relating to the registration of voters, appointment of ballot commissioners, appointment of election officers, the holding of said election, canvassing of returns of said election, for said first election shall apply to such primary and general election. And all persons elected to office at such first election shall

hold their office until the next general election as in this act provided, and until their successors are elected and qualified. In the event that said first election shall be held on the second Monday in September, one thousand nine hundred and nineteen the commissioners of Huntington as now constituted and the Citizens' Board shall hold their offices respectively until the election and the qualification of a majority of the commissioners and a majority of the Citizens' Board under said first election."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cunningham, Ferguson, Fortney (of Harrison), Hackney, Hall, Hays, Hendricks, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McLaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Plasants) and Wysong—68.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Bray, Cuppett, Fitch, Fortney (of Preston), Godfrew, Gorve, Hale, Hamilton, Harvey, Hersman, Hickman, Houvouras, Lester, Mahan, McCauley, O'Connor, Otto, Richards, Scott, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—25.

Mr. Neale (of Cabell), moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lester, Miller, Moore, Moran, Morris, Moulds, Musser, McLaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Sarver, Scott,

Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—64.

The noes were:

Messrs. Hall, Hays, Kuykendall, Lantz, Mollohan, McCauley, Neal (of Webster), Peck, Rankin, Rouss, Summers and Thurmond—12.

Absent and not voting:

Messrs. Bland, Blizzard, Cuppett, Godfrey, Grove, Harvey, Hersman, Hickman, John, Mahan, O'Connor, Otto, Richards, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—17.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 44), takes effect from its passage.

Ordered, That Mr. Neale (of Cabell), communicate to the Senate the action of the House of Delegates.

Mr. Moore, chairman of the Committee on the Judiciary, announced that it was necessary for said Committee to immediately go into session, for the purpose of hearing the Sturgiss' matter, and asked unanimous consent that the members of said Committee be excused from the floor of the House, which was given.

On motion of the same gentleman, it was agreed by the House that only local bills, appearing on the calendar on second and first reading, be taken up for consideration, and that Mr. John (one of the members of said Committee) remain in the House, for the purpose of looking after such local bills, on behalf of the absent members.

The Chair announced that the ruling upon the point of order, made by Mr. McClintic on yesterday, "that under sub-section-c of the constitutional amendment, House Bill No. 51 is prohibited from consideration by the House," would be postponed until Monday, February 3rd.

Mr. McClintic in the Chair.

On motion of Mr. Kuykendall, House Bill No. 8 was made a special order for 10:30 o'clock, A. M., February 3rd.

House Bill No. 94—"A Bill to create the municipal corporation of the city of Montgomery, in the county of Fayette, to grant a charter thereto, and to annul the charter of the town of Montgomery."

Being a message from the Senate on yesterday, was taken up for consideration, and together with the amendments proposed by the Senate, was reported by the Clerk.

The amendments proposed by the Senate were reported by the Clerk and agreed to.

The amendments are as follows:

On page twenty-six, article thirty-seven, line twenty-four, after the word "cents," by inserting the words "exclusive of any levy or levies for bond purposes."

On page forty-six, section fifty-one, line fourteen, after the word "shall," by striking out the words "by taxation," and inserting in lieu thereof the words "lay a levy sufficiently high on the taxable property of said city to."

On page forty-six, section fifty-one, in line fifteen, after the word "on," by inserting the words "and a sinking fund for the discharge of the principal of."

And,

On page forty-six, in line eighteen, after the word "nor," by striking out the words "exchange for the evidence of indebtedness," and inserting in lieu thereof the words "issued to refund outstanding bonds."

On motion of Mr. Montgomery, the bill was amended on page twenty-nine, section thirty-nine, beginning in line twenty-eight, after the word "limit," by striking out the words "to fix and change charges and prices for service or the articles of persons or companies operating public service plants, or other public institutions or utilities; to regulate public service corporations."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Grove, Hackney, Hale, Hall, Hays, Hendricks, Hersman, Hilleary, Hobbs, Howard, John, Jones, Miller, Mollohan, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—66.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Coberly, Cuppett, Fortney (of Preston), Godfrey, Hamilton, Harvey, Hickman, Houvouras, Kern, Kuykendall, Lantz, Lester, Mahan, Moore, McCauley, Nutter, O'Connor, Otto, Richards, Scott, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—27.

Mr. McVey moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Clements, Coleman, Coon, Cox, Cunningham, Ferguson, Fitch, Fortney, (of Harrison), Grove, Hackney, Hale, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Lantz, Lester, Miller, McDermitt, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell,) Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Williams (of Pleasants) and Wysong—66.

The noes were:

Mr. Neale (of Webster).

Absent and not voting:

Messrs. Bland, Calhoun, Capehart, Coberly, Cosner, Cuppett, Fortney, (of Preston), Godfrey, Hamilton, Harvey, Kern, Kuykendall, Mahan, Moore, McCauley, Nutter, O'Connor, Otto, Richards, Starcher, Thomas, Thurmond, Vanmeter, Weiss, Williams (of Ohio) and Wolfe (Speaker)—26.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 94) takes effect from its passage.

Ordered, That Mr. Blizzard communicate to the Senate the action of the House of Delegates.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 102—"A Bill to amend and re-enact chapter fifteen-j, Barnes' code, nineteen hundred and eighteen, and establish in lieu of the West Virginia Humane Society a State Board of Children's Guardians and to define its duties."

And,

House Bill No. 217—"A Bill to amend and re-enact section twelve of chapter one hundred forty-nine of the code, relating to sodomy."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 69—"A Bill to amend and re-enact section three of chapter one hundred and twenty-nine of the one thousand nine hundred and thirteen code of West Virginia, serial section four thousand eight hundred and forty-eight, concerning commissioners in chancery."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary, has had under consideration,

Senate Bill No. 36—"A Bill dispensing with the necessity of any natural person affixing a seal to any deed, trust deed, mortgage, lease or other writing conveying, selling, or agreeing to sell, leasing, renting, or encumbering real estate, and making valid such instruments of writing heretofore executed by any natural person, lacking such seal, and making the same evidence; and providing that an action of covenant may be maintained thereon for the breach of any covenant or warranty therein."

Recommended that it do pass with the following amendments, viz: By inserting on page two, section three, line six, after the word act, the words "and which is in other respects valid"; also,

On page two, section three, line thirteen, strike out the words "all proper cases", and insert the words "any action, suit or proceeding now pending in any of the courts of this state, or in any action suit or proceeding that may be hereafter instituted in any of the courts of this state in which, but for the omission of such seal, such writing would be proper evidence".

And report the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Sarver offered the following resolution:

WHEREAS, The Committee on Railroads, Mines and Mining and Private Corporations and Joint Stock Companies are in urgent need of stenographers, and whereas the number of stenographers are inadequate for the volume of work to be done, therefore be it,

Resolved, That the Sepaker of the House of Delegates be, and he is hereby authorized, to appoint three stenographers for the above Committees, said stenographers to receive the pay of six (\$6.00) dollars per day to be paid out of the contingent fund of the House of Delegates, and the sergeant-at-arms is hereby directed to draw his warrant therefor.

Referred to the Committee on Rules.

Mr. Lantz presented the petition of C. S. Hupp and thirteen other teachers and patrons of Hundred schools, Hundred, West Virginia, praying for the enactment of the proposed school code as a whole.

Referred to the Committee on Education.

Mr. Moulds presented the petition of F. M. Lawrence and twenty-nine other citizens and taxpayers of Newell, Hancock county, West Virginia, praying for the enactment of the proposed school code as a whole.

Referred to the Committee on Education.

Mr. Starcher presented the petition of Creed S. Simmons and eleven other teachers of Lumberport, Harrison county, West Virginia, praying for the enactment of the proposed school code in its entirety.

Referred to the Committee on Education.

Mr. Coberly presented the petition of George W. Cunningham and two hundred and six other teachers of Randolph county, West Virginia, praying for the enactment of the proposed school code in its entirety.

The following bills were introduced on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Moran:

House Bill No. 225—"A Bill relating to the destruction or injury necessarily done to real property by means of explosives or otherwise, where the same is done to avert the spread of fire, to provide compensation to the owner of such building under the policy of insurance thereon, if any, to provide an additional stipulation for all fire insurance policies written in this state after the first day of March, one thousand nine hundred and nineteen, for the purpose of procuring to the owners of such real estate, so necessarily destroyed or injured, such compensation."

Referred to the Committee on the Judiciary.

By Mr. Wysong:

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

Referred to the Committee on the Judiciary.

By Mr. John:

House Bill No. 227—"A supplementary bill making appropriation of public moneys out of the treasury, for the erection of a state soldiers' memorial hall, provided an equal sum shall be donated or raised by the citizens of the state."

Referred to the Committee on Taxation and Finance.

By Mr. Lantz:

House Bill No. 228—"A Bill fixing the annual allowance to the clerk of the county court of Wetzel conty, West Virginia."

Referred to the Committee on the Judiciary.

House Bill No. 121—"A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 93—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 104—"A Bill to create and incorporate the municipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Hilleary, laid over, retaining its place on the calendar.

House Bil No. 136—"A Bill amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers

and duties thereof,' and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.' "

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 22—"A Bill to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor or his deputies; by providing for a woman inspector to assist with its enforcement; by prescribing penalties for violations thereof; by defining the procedure in prosecutions."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

HOUSE JOINT RESOLUTION No. 2—Authorizing the State Board of Health to issue to U. G. Morton of Lizemore, Clay county, West Virginia, a license to practice medicine and surgery.

WHEREAS, U. G. Morton has been engaged in the practice of medicine for twenty years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said U. G. Morton is a respectable, honorable and intelligent citizen of said county of Clay; and

WHEREAS, The said U. G. Morton is prevented by a technicality from obtaining a license to practice his professions; and

WHEREAS, The said U. G. Morton is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, By the Legislature of West Virginia, that the State Board of Health, be and it is hereby authorized and requested to issue to the said U. G. Morton a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

Coming up in regular order for consideration, was reported by the Clerk.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Cosner, Cox, Cunningham, Fitch, Fortney (of Harrison), Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lester, Mollohan, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Parsons, Pedigo, Perin, Rankin, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn and Wysong—61.

The noes were:

Messrs. John, Lantz, McCauley and Shomo—4.

Absent and not voting:

Messrs. Anderson, Bland, Capehart, Coon, Cuppett, Ferguson, Fortney (of Preston), Godfrey, Harvey, Hickman, Kuykendall, Mahan, Miller, Moore, O'Connor, Otto, Peck, Pettigrew, Pride-more, Richards, Scott, Thomas, Thurmond, Vanmeter, Weiss,

Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—28.

Ordered, That Mr. Summers communicate to the Senate the adoption of the resolution (H. J. R. No. 2), and ask concurrence therein.

By Mr. Starcher:

House Bill No. 229—"A Bill relating to mothers' pensions."

Referred to the Committee on Labor.

By Mr. Anderson.

House Bill No. 230—"A Bill to amend and re-enact section thirty-nine of chapter nety-two of the acts of the legislature of West Virginia, for one thousand eight hundred and eighty-two Barnes' code, edition of one thousand nine hundred and sixteen, chapter forty-seven, section thirty-nine, relating to cities, towns and villages."

Referred to the Committee on the Judiciary.

Unanimous consent being given,

Mr. Swisher, from the Joint Sub-Committee of the Senate Committee and House of Delegates Committee on Roads submitted the following report, which was received:

Your Committee on Roads has had under consideration.

House Bill No. 173—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition of one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six *a* requiring patrolmen to account for road materials, tools and implements belonging to their districts."

Title Amended to Read as follows:

"A Bill to amend and re-enact chapter sixty-six of the acts of West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six-*a* requiring patrolmen to account for road materials, tools and equipment be onging to other districts."

And,

House Bil No. 77—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature one thousand nine hundred and seventeen, by adding thereto section twenty-eight-*a* relating to the distribution of class "a" road funds where bonds for the construction of class "a" roads have been issued by a district or districts of any county."

Title Amended to Read as follows:

Referred to the Committee on the Judiciary.

By Mr. Wysong:

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

Referred to the Committee on the Judiciary.

By Mr. John:

House Bill No. 227—"A supplementary bill making appropriation of public moneys out of the treasury, for the erection of a state soldiers' memorial hall, provided an equal sum shall be donated or raised by the citizens of the state."

Referred to the Committee on Taxation and Finance.

By Mr. Lantz:

House Bill No. 228—"A Bill fixing the annual allowance to the clerk of the county court of Wetzel conty, West Virginia."

Referred to the Committee on the Judiciary.

House Bill No. 121—"A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 93—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 104—"A Bill to create and incorporate the municipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Hilleary, laid over, retaining its place on the calendar.

House Bil No. 136—"A Bill amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers

and duties thereof,' and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.' "

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 22—"A Bill to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor or his deputies; by providing for a woman inspector to assist with its enforcement; by prescribing penalties for violations thereof; by defining the procedure in prosecutions."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

HOUSE JOINT RESOLUTION No. 2—Authorizing the State Board of Health to issue to U. G. Morton of Lizemore, Clay county, West Virginia, a license to practice medicine and surgery.

WHEREAS, U. G. Morton has been engaged in the practice of medicine for twenty years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said U. G. Morton is a respectable, honorable and intelligent citizen of said county of Clay; and

WHEREAS, The said U. G. Morton is prevented by a technicality from obtaining a license to practice his professions; and

WHEREAS, The said U. G. Morton is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, By the Legislature of West Virginia, that the State Board of Health, be and it is hereby authorized and requested to issue to the said U. G. Morton a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

Coming up in regular order for consideration, was reported by the Clerk.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Cosner, Cox, Cunningham, Fitch, Fortney (of Harrison), Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lester, Mollohan, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Parsons, Pedigo, Perin, Rankin, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn and Wysong—61.

The noes were:

Messrs. John, Lantz, McCauley and Shomo—4.

Absent and not voting:

Messrs. Anderson, Bland, Capehart, Coon, Cuppett, Ferguson, Fortney (of Preston), Godfrey, Harvey, Hickman, Kuykendall, Mahan, Miller, Moore, O'Connor, Otto, Peck, Pettigrew, Pride-more, Richards, Scott, Thomas, Thurmond, Vanmeter, Weiss,

Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)
—28.

Ordered, That Mr. Summers communicate to the Senate the adoption of the resolution (H. J. R. No. 2), and ask concurrence therein.

By Mr. Starcher:

House Bill No. 229—"A Bill relating to mothers' pensions."

Referred to the Committee on Labor.

By Mr. Anderson.

House Bill No. 230—"A Bill to amend and re-enact section thirty-nine of chapter ninety-two of the acts of the legislature of West Virginia, for one thousand eight hundred and eighty-two Barnes' code, edition of one thousand nine hundred and sixteen, chapter forty-seven, section thirty-nine, relating to cities, towns and villages."

Referred to the Committee on the Judiciary.

Unanimous consent being given,

Mr. Swisher, from the Joint Sub-Committee of the Senate Committee and House of Delegates Committee on Roads submitted the following report, which was received:

Your Committee on Roads has had under consideration.

House Bill No. 173—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition of one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six *a* requiring patrolmen to account for road materials, tools and implements belonging to their districts."

Title Amended to Read as follows:

"A Bill to amend and re-enact chapter sixty-six of the acts of West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six-*a* requiring patrolmen to account for road materials, tools and equipment belonging to other districts."

And,

House Bill No. 77—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature one thousand nine hundred and seventeen, by adding thereto section twenty-eight-*a* relating to the distribution of class "a" road funds where bonds for the construction of class "a" roads have been issued by a district or districts of any county."

Title Amended to Read as follows:

"A Bill to amend and re-enact chapter sixty-six of the code of West Virginia, one thousand nine hundred and seventeen, by adding thereto section twenty-eight-a relating to the distribution of class "a" road funds where bonds for the construction of class "a" roads have been issued by district or districts of any county."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

ELMER HOUGH,

Chairman, Joint Senate Sub-Committee.

Approved and endorsed by House Committee on Roads.

J. J. SWISHER, *Chairman.*

Unanimous consent being given,

Mr. Swisher, from the Joint Sub Committee of the Senate Committee and House of Delegates Committee on Roads submitted the following report, which was received:

Your Committee on Roads has had under consideration.

House Bill No. 130—"A Bill to amend and re-enact sections one hundred and twenty-nine one hundred and thirty-two and one hundred and thirty-three of the regular session of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, in regard to the registration fee on motor vehicles."

And report the same back with the recommendation that it do not pass,

Respectfully submitted,

ELMER HOUGH,

Chairman, Joint Senate Sub-Committee.

Approved and endorsed by House Committee on Roads.

J. J. SWISHER, *Chairman.*

House Bill No. 130, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected

On motion of Mr. Perin, leave of absence was granted to Mr. Mahan, for one day.

On motion of Mr. Stover, leave of absence was granted to Mr. O'Connor.

On motion of Mr. Ferguson, leave of absence was granted to Mr. Harvey.

Mr. John offered the following amendment to the Rules of the House:

95. On the passage of every bill, (and when the yeas and nays on any question are called for by one-tenth of those present), the

Speaker shall direct the roll to be called, and every member present shall answer "aye" or "no," when his name is called. Before the result is announced the Clerk shall read to the House the names of those who voted in the negative, at which time any member may correct a mistake committed in taking down his vote; but such verification of the vote shall not be made when there are no votes in the negative, unless demanded by a member of the House. The result shall then be announced, and the yeas and nays entered on the Journal, but if the House so ordered, the announcement of the result and the entry of the yeas and naves entered upon the Journal may be postponed to the succeeding day, with liberty to absent members, at any time before the result is announced by the Speaker, appear and vote aye or no, in the presence of the House; and any member may in the presence of the House change his vote before the result is announced.

Referred to the Committee on Rules

The following resolution, offered by Mr. McClintic,

"Resolved, That the privilege of smoking in the House be extended only to members of the House, clerks and reporters, and smoking by all other persons in this House be prohibited."

Coming up in regular order for consideration, was

On motion of Mr. Hays, indefinitely postponed.

House Bill No. 57—"A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 145—"A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossemnt and third reading.

House Bill No. 137—"A Bill to amend and re-enact chapter two of the acts of one thousand nine hundred and five, and chapter one of the acts of one thousand nine hundred and seven of the legislature

of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 172—"A Bill to create and to incorporate the municipal corporations of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

On first reading, coming up in regular order for consideration, was,

On motion of Mr. Anderson, laid over, retaining its place on the calendar.

SENATE JOINT RESOLUTION NO. 9—"Relating to the cession of the Northwest Territory to the United States by the State of Virginia, and also to the Virginia debt."

On first reading coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Virginia Debt.

Senate Bill No. 1—"A Bill to amend and re-enact sections four and five of chapter seventy-four of the code of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 2—"A Bill to amend and re-enact section two of chapter seventy six of the code of West Virginia, as amended and re-enacted by chapter forty-nine of the acts of one thousand nine hundred and seventeen, regular session, relating to forms of releases and acknowledgments."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 27—"A Bill amending and re-enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five-a.

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and

maintain a piece of ground for the purpose of physical education."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 197—"A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 143—"A Bill to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the allies during the world war or in any charitable, humane or relief organizations connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings, as memorials to those of them who have died in such service or in any such organization."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 84—"A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 26—"A Bill to amend and re-enact chapter forty-seven of the acts of one thousand nine hundred and fifteen

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 41—"A Bill establishing a building code regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 209—"A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire lands by condemnation or otherwise, not to exceed ten acres for district high school purposes, and authorizing a special levy to pay for same."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 88—"A Bill for the prevention of blindness from ophthalmia neonatorum."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on Medicine and Sanitation.

Senate Bill No. 108—"A Bill to amend and re-enact section twenty-three of chapter thirty of the code of West Virginia of one thousand nine hundred and thirteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION No. 3—"Proposing an amendment to sections twenty-two and thirty-three of article six, of the constitution of this state."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Gribble, announced the passage by that body of

Senate Bill No. 102—"A Bill to amend and re-enact ~~section~~ ~~of~~ of chapter one hundred and five of the code, relating to reports filed

by the commissioner of school lands of delinquent and forfeited lands, and providing for the recordation of a copy of such report in the clerk's office of the county court in a book for such purpose."

And asked the concurrence of the House therein.

On motion of Mr. John, the House adjourned until 10 o'clock, A. M., February 3, 1919.

MONDAY, FEBRUARY 3, 1919.

The House met at 10 o'clock, A. M.

Mr. McClintic in the Chair.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Starcher, the further reading thereof was dispensed with.

On motion of Mr. John, the resolution of Mr. McPherson, together with the accompanying letters appearing on pages eight, nine, ten, eleven, twelve, and thirteen of the Journal of Friday, January thirty-one, one thousand nine hundred and nineteen, were expunged from the Journal of the House of Delegates.

Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 220—"A Bill discontinuing the county high school of Calhoun county, West Virginia, and providing for the sale of the property thereof and the distribution of moneys obtained by levy therefor."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. T. SARVER, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 59—"A Bill providing for the unauthorized use of vehicles."

Also,

section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employes by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 183—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 199—"A Bill to amend and re-enact sub-section twenty-nine-b of section twenty-nine, chapter one hundred and fifty of the code of West Virginia, one thousand nine hundred and thirteen, relating to the sale of drugs and medicines."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 65—"A Bill to provide for the protection of the traveling public on street and interburan railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motor-men; relating to hauling freight, and spotters employed by the company."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 184—"A Bill to amend and re-enact sections three and seventeen and eighteen of the live stock sanitation law, chapter thirteen, acts of one thousand nine hundred and fifteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 202—"A Bill to amend and re-enact all of chapter sixty-two-*b* of Barnes' code of one thousand nine hundred and sixteen, and also as amended and re-enacted by chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of commercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 188—"A Bill concerning notaries public who are stockholders, directors, officers, or employees of banks or other corporations."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 59—"A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 167—"A Bill prohibiting the wearing by any person not entitled thereto of an emblem of any secret order or organization and prescribing the penalties of such violations."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 214—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relating to deadly weapons and state license to carry weapons."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 215—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the compensation of grand and
petty jurors."

of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 172—"A Bill to create and to incorporate the municipal corporations of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

On first reading, coming up in regular order for consideration, was,

On motion of Mr. Anderson, laid over, retaining its place on the calendar.

SENATE JOINT RESOLUTION NO. 9—"Relating to the cession of the Northwest Territory to the United States by the State of Virginia, and also to the Virginia debt."

On first reading coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Virginia Debt.

Senate Bill No. 1—"A Bill to amend and re-enact sections four and five of chapter seventy-four of the code of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 2—"A Bill to amend and re-enact section two of chapter seventy six of the code of West Virginia, as amended and re-enacted by chapter forty-nine of the acts of one thousand nine hundred and seventeen, regular session, relating to forms of releases and acknowledgments."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

Senate Bill No. 27—"A Bill amending and re-enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five-a.

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and

maintain a piece of ground for the purpose of physical education."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 197—"A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 143—"A Bill to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the allies during the world war or in any charitable, humane or relief organizations connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings, as memorials to those of them who have died in such service or in any such organization."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 84—"A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 26—"A Bill to amend and re-enact chapter forty-seven of the acts of one thousand nine hundred and fifteen

of the legislature of West Virginia, in relation to the authentication and record of maps."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 126—"A Bill to provide for the recording of affidavits as to the birth, marriage, death, name, residence, identity or relationship of parties to instruments effecting real estate and the use of the same in evidence."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 33—"A Bill to amend chapter one hundred and thirty of the code of West Virginia relating to Evidence and Witnesses, by adding thereto an additional section to be numbered forty-eight, so as to provide that when the land described in a patent, deed or other document is subject to an exception or reservation of any part or parts thereof, it shall be presumed, when the same is offered in evidence in any action, suit or proceeding at law or in equity involving the trial or determination of title to real estate or any interest therein, that the land or interest therein in controversy is not included in any such excepted or reserved part or parts."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 146—"A Bill to amend and re-enact section six, serial section number four thousand four hundred and ten of chapter one hundred and three of Hogg's West Virginia code of one thousand nine hundred and thirteen, relating to the maximum amount that may be recovered in an action for wrongful death."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 180—"A Bill to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 63—"A Bill to license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than six percentum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Substitute for House Bill No. 115.

A BILL to amend and re-enact section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting section thirteen of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers; section one of chapter one hundred and ninety-eight of the acts of the legislature of one thousand eight hundred and seventy-two, relating to the annual settlements of certain county officers; section eight of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of certain county officers.

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 13—"A Bill providing for the unauthorized use of vehicles."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties;

section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employes by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-*a*, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-*a*, relating to motor license year."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 183—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 199—"A Bill to amend and re-enact sub-section twenty-nine-*b* of section twenty-nine, chapter one hundred and fifty of the code of West Virginia, one thousand nine hundred and thirteen, relating to the sale of drugs and medicines."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 65—"A Bill to provide for the protection of the traveling public on street and interburan railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motormen; relating to hauling freight, and spotters employed by the company."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 184—"A Bill to amend and re-enact sections three and seventeen and eighteen of the live stock sanitation law, chapter thirteen, acts of one thousand nine hundred and fifteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 202—"A Bill to amend and re-enact all of chapter sixty-two-b of Barnes' code of one thousand nine hundred and sixteen, and also as amended and re-enacted by chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of commercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 188—"A Bill concerning notaries public who are stockholders, directors, officers, or employees of banks or other corporations."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 59—"A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 167—"A Bill prohibiting the wearing by any person not entitled thereto of an emblem of any secret order or organization and prescribing the penalties of such violations."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 214—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relating to deadly weapons and state license to carry weapons."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 215—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the compensation of grand and petit jurors."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 41—"A Bill establishing a building code regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 209—"A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire lands by condemnation or otherwise, not to exceed ten acres for district high school purposes, and authorizing a special levy to pay for same."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 88—"A Bill for the prevention of blindness from ophthalmia neonatorum."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on Medicine and Sanitation.

Senate Bill No. 108—"A Bill to amend and re-enact section twenty-three of chapter thirty of the code of West Virginia of one thousand nine hundred and thirteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 3—"Proposing an amendment to sections twenty-two and thirty-three of article six, of the constitution of this state."

On first reading, coming up in regular order for consideration, was read a first time.

Referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Gribble, announced the passage by that body of

Senate Bill No. 102—"A Bill to amend and re-enact section ~~two~~ of chapter one hundred and five of the code, relating to reports filed

by the commissioner of school lands of delinquent and forfeited lands, and providing for the recordation of a copy of such report in the clerk's office of the county court in a book for such purpose."

And asked the concurrence of the House therein.

On motion of Mr. John, the House adjourned until 10 o'clock, A. M., February 3, 1919.

MONDAY, FEBRUARY 3, 1919.

The House met at 10 o'clock, A. M.

Mr. McClintic in the Chair.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Starcher, the further reading thereof was dispensed with.

On motion of Mr. John, the resolution of Mr. McPherson, together with the accompanying letters appearing on pages eight, nine, ten, eleven, twelve, and thirteen of the Journal of Friday, January thirty-one, one thousand nine hundred and nineteen, were expunged from the Journal of the House of Delegates.

Mr. Sarver, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 220—"A Bill discontinuing the county high school of Calhoun county, West Virginia, and providing for the sale of the property thereof and the distribution of moneys obtained by levy therefor."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. T. SARVER, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 59—"A Bill providing for the unauthorized use of vehicles."

Also,

Senate Bill No. 127—"A Bill to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads."

And,

Senate Bill No. 116—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 179—"A Bill to amend chapter one hundred and twenty of the code by adding thereto section nine relating to prosecuting attorneys."

Also,

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

Also,

House Bill No. 181—"A Bill to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety-five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance."

Also,

House Bill No. 196—"A Bill to fix the salary of the prosecuting attorney of Barbour county."

Also,

House Bill No. 204—"A Bill to amend and re-enact section three of chapter fifty-four of Barnes' code of West Virginia for one thousand and nine hundred and eighteen, prohibiting the incorporation of religious denominations, land selling companies for profits and detective agencies or associations and providing that such detective agencies or associations now incorporated shall be co-partnerships."

Also,

House Bill No. 205—"A Bill to amend and re-enact section eleven

of chapter seven of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing for the appointment of deputy circuit and county clerks, deputy sheriffs, and prohibiting the appointment of certain persons as deputy sheriffs."

Also,

House Bill No. 206—"A Bill to amend and re-enact section twenty of chapter one hundred and fifty-two of Barnes' code of West Virginia for one thousand nine hundred and eighteen, providing that certain evidence shall not be used against a person charged with crime."

Also,

House Bill No. 210—"A Bill to authorize the county court of Marion county to establish and maintain a county law library."

Also,

House Bill No. 208—"A Bill to amend sections twelve, nineteen and twenty of chapter one hundred and thirty-seven, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the fees of justices of the peace."

Also,

House Bill No. 30—"A Bill to amend and re-enact section twenty-three of chapter seventy-two, of the acts of one thousand nine hundred and fifteen, being section twenty-three of chapter one hundred thirty-one of Barnes' code of one thousand nine hundred and sixteen."

And,

House Bill No. 193—"A Bill to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as sixty-five-a."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 218—"A Bill to amend and re-enact section twenty-four of chapter forty-one of the code of West Virginia of one thousand nine hundred and thirteen."

Also,

House Bill No. 219—"A Bill to amend and re-enact sections nine and ten of chapter sixty-three of the code of West Virginia, relating to marriages, being serial sections numbered three thousand six hundred and nine and three thousand six hundred and ten of Hogg's code of West Virginia, edition of one thousand nine hundred and thirteen, as amended by chapter nineteen of the acts of legislature of one thousand nine hundred and seventeen."

And,

House Bill No. 223—"A Bill to authorize the payment of the expenses of the members of county courts."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 218, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 219, having been reported by its title the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 223, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was not rejected.

The bill was then ordered to its first reading.

Mr. Weiss offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 8—"Providing for a joint session of the two Houses to hear an address of Hon. Randolph Harrison on the question of the Virginia debt."

Resolved, By the House of Delegates, the Senate concurring therein, That the House of Delegates and Senate meet in joint session in the hall of the House of Delegates at 11 o'clock, A. M., on Tuesday, the 4th day of February, 1919, for the purpose of hearing the address of Mr. Randolph Harrison of Virginia on the Virginia debt question.

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

Ordered, That Mr. Weiss communicate to the Senate the adoption of the resolution (H. C. R. No. 8) and ask concurrence ~~therein~~.

Mr. Stover presented the petition to D. C. Arnold, district superintendent, and twenty-two others of Elk Garden, Mineral county,

West Virginia, praying for the passage of the new school code (H. B. No. 40).

Referred to the Committee on Education.

Mr. Moulds presented the petition of Helen C. Prichard and thirty-one others, of Butler district, Hancock county, asking for the passage of the new school code (H. B. No. 40).

Referred to the Committee on Education.

Mr. Byrnes presented a resolution passed by the board of trade of Moundsville, West Virginia, protesting against the enactment of the bill against noxious and poisonous gases (S. B. No. 42).

Referred to the Committee on Taxation and Finance.

Mr. Starcher presented a resolution passed by the board of directors of the Chamber of Commerce of Clarksburg, West Virginia, and a number of business men of the same city, protesting against the enactment of the bill against noxious and poisonous gases (S. B. No. 42).

And,

A petition signed by V. L. Highland and eighty-three others, of the city of Clarksburg, West Virginia, protesting against the enactment of the bill against noxious and poisonous gases (S. B. No. 42), on the ground that the same is inimical to the interests of Harrison county and of the whole state.

Mr. Shaw presented the petition of W. H. Wyat and eleven others, of Mason county, West Virginia, praying for the passage of the new school code (H. B. No. 40).

The following bills were introduced on motions for leave, read by their titles and referred to the appropriate committees:

Originating in the Committee on Education.

House Bill No. 231—"A Bill to amend and re-enact sections twenty-eight, fifty-nine, eighty-seven, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three and one hundred thirty-four, and to repeal sections one hundred fifty-five-a (1) one hundred fifty-five-a (2), one hundred fifty-five a (3), one hundred fifty-five-a (4), one hundred fifty-five-a (5), one hundred fifty-five-a (6), one hundred fifty-five-a (7), one hundred fifty-five-a (8), one hundred fifty-five-a (9), one hundred fifty-five-a (10), one hundred fifty-five-a (11), one hundred fifty-five-a (12), one hundred fifty-five-a (13) and one hundred fifty-five-a (14) of chapter forty-five of the West Virginia code of one thousand nine hundred and sixteen, relating to education, and to

add to said chapter forty-five, sections one hundred thirty-five, one hundred thirty-six, one hundred thirty-six-*a* and one hundred thirty-six-*b*, and to repeal sections nineteen, twenty, twenty-one and twenty-two of chapter fifteen-*m* of the West Virginia code of one thousand nine hundred and sixteen, relating to the state board of regents."

By Mr. Grove:

House Bill No. 232—"A Bill providing for the retirement of circuit court judges upon certain contingencies with pay."

Referred to the Committee on the Judiciary.

By Mr. Vaughn:

House Bill No. 233—"A Bill to authorize the state board of control to purchase, for the West Virginia Industrial School for Boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business."

Referred to the Committee on Taxation and Finance.

By Mr. Morris:

House Bill No. 234—"A Bill to amend and re-enact section one hundred and eighteen, of chapter sixty-six of the acts of the legislature, one thousand nine hundred and seventeen, concerning public roads."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Cuppett (by request).

House Bill No. 235—"A Bill to amend and re-enact section one of chapter one hundred and nineteen of the code of West Virginia relating to attorneys at law."

Referred to the Committee on the Judiciary.

By Mr. Byrnes:

House Bill No. 236—"A Bill relating to manner of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-*a*, thereto, preventing such persons so released from becoming residents of Marshall county, West Virginia, for a period of five years,"

Referred to the Committee on the Judiciary.

By Mr. Starcher:

House Bill No. 237—"A Bill to amend and re-enact section fifty-seven, of chapter twenty-nine, Barnes' code, one thousand nine hundred and eighteen, concerning exemption from taxation of certain properties."

Referred to the Committee on Taxation and Finance.

My Mr. McClaren:

House Bill No. 238—"A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or district of Columbia or any foreign country authorized under the laws of this state to hold property or to transact business in this state from prosecuting suits or actions, either now pending or hereafter instituted against like corporations in any court of any other state or territory of the United States or District of Columbia or any foreign country when the cause of such suit or action arose in the State of West Virginia, or when such suit or action involves the title to, or possession or right of possession of real estate situate in the State of West Virginia; providing penalties for the violation of this act, and providing for injunction to inhibit the prosecution of such suits."

Referred to the Committee on the Judiciary.

By Mr. Taylor:

House Bill No. 239—"A Bill to amend and re-enact sections one hundred and thirty-two and one hundred and thirty-three, chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen known as the good road law."

Referred to the Committee on Roads and Internal Navigation.

By Mr. Houvouras:

House Bill No. 240—"A Bill to create in the department of state tax commissioner a division to be known as the "division of industrial induction."

Referred to the Committee on Taxation and Finance.

By Mr. Kuykendall:

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

Referred to the Committee on Taxation and Finance.

By Mr. Kuykendall:

House Bill No. 242—"A Bill regulating the laying of levies by boards of education for school purposes."

On motion of Mr. Kuykendall reference of the bill to a committee was dispensed with.

By Mr. Kuykendall:

House Bill No. 243—"A Bill fixing the salaries to be paid to teachers in public schools in the state of West Virginia."

On motion of Mr. Kuykendall, reference of the bill to a committee was dispensed with.

By Mr. McClintic:

House Bill No. 244—"A Bill to amend and re-enact section thirty-two of chapter one hundred and forty-five of Barnes' code of one thousand nine hundred and sixteen."

Referred to the Committee on the Judiciary.

The hour having arrived to which

House Bill No. 8—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty-nine, all of sub-division 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five, and sections thirty, thirty-one, and thirty-one-a of chapter forty-seven of the West Virginia code, one thousand nine hundred and sixteen, and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the West Virginia code, one thousand nine hundred and sixteen, relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund."

Was made a special order,

On motion of Mr. Hall, the bill (H. B. No. 8) was laid over and made a special order for tomorrow, Tuesday, February four, one thousand nine hundred and nineteen, at 10:30 A. M. and for the same hour each succeeding day thereafter until disposed of.

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants)—72.

The noes were: None.

Absent and not voting:

Messrs. Bland, Clements, Cosner, Cuppett, Hickman, Lantz, Moran, McDermitt, Neale (of Cabell), O'Connor, Otto, Pedigo, Pride-more, Sarver, Scott, Swisher, Thomas, Vanmeter, Williams (of Ohio), Wysong, Wolfe (Speaker)—21.

On motion of Mr. Pettigrew, the title was amended by striking out the word "great" and inserting in lieu thereof the word "world."

Ordered, That Mr. McClaren communicate to the Senate the passage of the bill (H. B. No. 85) and ask concurrence therein.

House Bill No. 78—"A Bill to amend section four hundred eighty-three (as amended by section thirty-two of Barnes' code of nineteen hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law'."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title, as amended.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Ham-

ilton, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Nutter, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants), Wysong—67.

The noes were:

Messrs. Ferguson, Harvey, McCauley, Neal (of Webster), Thurmond, Vaughn—6.

Absent and not voting:

Messrs. Bland, Cosner, Hickman, Lantz, Moran, McDermitt, Neale (of Cabell), O'Connor, Otto, Pedigo, Pridemore, Sarver, Scott, Spangler, Summers, Thomas, Vanmeter, Williams (of Ohio), Wolfe (Speaker)—19.

On motion of Mr. Stover, the title was amended by striking it out in its entirety and inserting in lieu thereof the following: "A Bill to Prohibit and Regulate the Employment of Minors."

Ordered, That Mr. Stover communicate to the Senate the passage of the bill (H. B. No. 78) and ask concurrence therein.

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add section seven, eight, nine and ten thereto."

Mr. Grove asked unanimous consent to amend the bill.

Which consent was not given, Mr. Hersman objecting.

Mr. Hersman rose to the point of order that the bill (H. B. No. 7) had not been read a second time and should not now be considered by the House on third reading, which point of order the Speaker declared was not well taken.

Mr. Wysong asked unanimous consent to have the bill placed back on second reading.

Which consent was not given, Mr. Mahan objecting.

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Cox, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hamilton, Hendricks, Hobbs, Houvouras, John, Mahan, Moore, Morris, Moulds, Musser, McClaren,

McClintic, Nutter, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Weiss—42.

The noes were:

Messrs. Bannister, Calhoun, Clements, Coberly, Coleman, Cunningham, Ferguson, Hackney, Harvey, Hays, Hersman, Hilleary, Jones, Kern, Kuykendall, Lester, Mollohan, McCauley, McPherson, McVey, Neal (of Webster), Peck, Shaw, Shomo, Summers, Vaughn, Wysong—27.

Absent and not voting:

Messrs. Bland, Coon, Cosner, Hale, Hall, Hickman, Howard, Lantz, Miller, Moran, McDermitt, Neale (of Cabell), O'Connor, Otto, Parsons, Pedigo, Pridemore, Sarver, Taylor, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants), Wolfe (Speaker)—24.

Ordered, That Mr. Morris communicate to the Senate the passage of the bill (H. B. No. 7) and ask concurrence therein.

House Bill No. 145—"A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Nutter, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong—71.

The noes were:

Mr. Coleman—1.

Absent and not voting:

Messrs. Bannister, Bland, Coon, Cosner, Hale, Hall, Hickman, Lantz, Moran, McDermitt, Neale (of Cabell), O'Connor, Otto, Parsons, Pedigo, Pridemore, Sarver, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—21.

Ordered, That Mr. Cunningham communicate to the Senate the passage of the bill (H. B. No. 145) and ask concurrence therein.

House Bill No. 57—"A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof and to provide a tax to pay the same."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lester, Miller, Moore, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Nutter, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong—68.

The noes were:

Messrs. Kuykendall, Mollohan, Neal (of Webster)—3.

Absent and not voting:

Messrs. Bland, Cosner, Hale, Hall, Hickman, Lantz, Mahan, Moran, McCauley, McDermitt, Neale (of Cabell), O'Connor, Otto, Parsons, Pedigo, Pridemore, Sarver, Summers, Thomas, Vanmeter, Williams (of Ohio), Wolfe (Speaker)—22.

Mr. Taylor moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houv-

ouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moore, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—73.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Cosner, Hale, Hickman, Lantz, Mollohan, Moran, McCauley, McDermitt, Neale (of Cabell), O'Connor, Otto, Pedigo, Pridemore, Sarver, Summers, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—20.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 57) takes effect from its passage.

Ordered, That Mr. Taylor communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 137—"A Bill to amend and re-enact chapter two of the acts of one thousand nine hundred and five, and chapter one of the acts of one thousand nine hundred and seven of the legislature of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants) and Wysong—70.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Cosner, Ferguson, Hale, Hickman, Lantz, Lester, Moran, McCauley, McDermitt, Neale (of Cabell), O'Connor, Otto, Pedigo, Pridemore, Sarver, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—23.

Ordered, That Mr. Byrnes communicate to the Senate the passage of the bill (H. B. No. 137) and ask concurrence therein.

House Bill No. 121—"A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—66.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Coberly, Cosner, Ferguson, Hale, Hickman, Lantz, Lester, Miller, Mollohan, Moran, McCauley, McDermitt, Neale (of Cabell), O'Connor, Otto, Pedigo, Pridemore, Sarver, Scott, Starcher, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio), and Wolfe (Speaker):27.

Mr. Brand moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hamilton, Harvey, Hays, Hendricks, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Mahan, Miller,

Moore, Morris, Moulds, Musser, McClintic, McPherson, McVey, Neal (of Webster), Nutter, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—63.

The noes were:

Mr. Mollohan—1.

Absent and not voting:

Messrs. Bland, Blizzard, Coberly, Cosner, Cuppett, Ferguson, Hale, Hall, Hersman, Hickman, Howard, Lantz, Lester, Moran, McCauley, McClarin, McDermitt, Neale (of Cabell), O'Connor, Otto, Parsons, Pedigo, Pridemore, Sarver, Summers, Thomas, Vanmeter, Williams (of Ohio), and Wolfe—(Speaker)—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 121) takes effect from its passage.

Ordered, That Mr. Brand communicate to the Senate the passage of the bill and request concurrence therein.

Senate Bill No. 93—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Boone county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Moore, Morris, Moulds, Musser, McClintic, McPherson, McVey, Neal (of Webster), Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Wysong—66.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Coberly, Cosner, Cuppett, Ferguson, Hall, Hersman, Hickman, Lantz, Lester, Mollohan, Moran, McCauley, McClaren, McDermitt, Neale (of Cabell), Nutter, O'Connor, Otto,

Pedigo, Sarver, Scott, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—27.

Ordered, That Mr. Coon communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No 93).

House Bill No. 136—"A Bill amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof, and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.'"

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Harvey, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Moore, Morris, Moulds, Musser, McClintic, McVey, Neal (of Webster), Nutter, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Wysong—65.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Coberly, Cosner, Ferguson, Hall, Hamilton, Hersman, Hickman, Lantz, Lester, Mollohan, Moran, McCauley, McClaren, McDermitt, McPherson, Neale (of Cabell), O'Connor, Otto, Pedigo, Pridemore, Sarver, Stover, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—28.

Ordered, That Mr. Moore communicate to the Senate the passage of the bill (H. B. No. 136) and ask concurrence therein.

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cox, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Moore, Morris, Moulds, Musser, McClintic, McPherson, Neal (of Webster), Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss and Wysong—58.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Coberly, Coon, Cosner, Cuppett, Ferguson, Fortney (of Preston), Hall, Hersman, Hickman, Lantz, Lester, Mollohan, Moran, McCauley, McClaren, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Pridemore, Sarver, Scott, Thomas, Vaughn Vanmeter, Williams (of Ohio), Williams (of Pleasants), Wolfe (Speaker)—35.

Ordered, That Mr. Weiss communicate to the Senate the passage of the bill (H. B. No. 91) and ask concurrence therein.

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and

providing for the receipt and disbursements of all moneys raised by said levy."

On third reading, coming up in regular order for consideration, was read a third time.

Unanimous consent being given,

On motions of Mr. Cox, severally made, the bill was amended as follows:

On page one, section one, line five, by striking out the word "nineteen" and inserting in lieu thereof the word "twenty."

On page one, section one, line six, by adding after the word "twenty" the word "one."

The bill (H. B. No. 166) was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Cox, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Mahan, Miller, Moore, Morris, Moulds, Musser, McClintic, McPherson, Neal (of Webster), Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss and Wysong—58.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Coberly, Coleman, Coon, Cosner, Cuppett, Ferguson, Hall, Hersman, Hickman, Howard, Kuykendall, Lantz, Lester, Mollohan, Moran, McCauley, McClaren, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Pedigo, Pride-more, Sarver, Scott, Thomas, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants), Wolfe (Speaker)—35.

On motion of Mr. Cox, the title was amended in line three, by striking out the word "nineteen" and inserting in lieu thereof the word "twenty;" and in line four, by adding after the word "twenty" the word "one."

Ordered, That Mr. Taylor communicate to the Senate the passage of the bill (H. B. No. 166) and ask concurrence therein.

On motion of Mr. Hall, leave of absence was granted to Mr. Lantz.

On motion of Mr. Hersman, leave of absence was granted to Mr. Sarver.

On motion of Mr. Houvouras, an indefinite leave of absence was granted to Mr. Neale (of Cabell), on account of sickness.

On motion of Mr. Taylor, leave of absence was granted to Mr. Cox

On motion of Mr. Moore, an indefinite leave of absence was granted to Mr. Wolfe (Speaker) on account of serious illness.

A message from the Senate by Mr. Duty announced the concurrence by that body of the adoption of

HOUSE CONCURRENT RESOLUTION No. 8—"Providing for a joint session of the two houses to hear an address by Hon. Randolph Harrison on the question of the Virginia debt."

Resolved, by the House of Delegates, the Senate Concurring, That the House of Delegates and Senate meet in joint session in the hall of the House of Delegates at 11 o'clock A. M., on Tuesday, the 4th day of February, 1919, for the purpose of hearing the address of Mr. Randolph Harrison of Virginia, on the Virginia debt question.

On motion of Mr. Moore the House adjourned.

TUESDAY, FEBRUARY 4, 1919.

Pursuant to the provisions of Rule No. 94, the Clerk called the House to order at 10 o'clock, A. M.

Mr. Weiss offered the following resolution:

"Resolved, That Geo. W. McClintic, a Delegate from the county of Kanawha, be and he is hereby elected Speaker pro tempore, during the temporary absence of the Speaker."

Mr. Wysong moved that the resolution be laid on the table, and that nominations for Speaker *pro tempore* be made.

Which motion did not prevail.

On motion of Mr. Pettigrew, the rules were suspended, and the resolution taken up for immediate consideration and adopted.

Mr. Wysong moved that the vote by which the resolution was adopted be reconsidered.

Mr. Nutter rose to the point of order that "Mr. Wysong not having voted with the majority, the motion was out of order."

Which point of order the Chair held was well taken.

Mr. Weiss offered the following resolution:

Resolved, That George W. McClintic, a delegate from the county of Kanawha, be and he is hereby elected Spaker *pro tempore* during the temporary absence of the Speaker; be it

Further resolved, That the Honorable George W. McClintic, a delegate from the county of Kanawha, this day elected by the House to act as Speaker *pro tempore* during the temporary absence of the Speaker, be empowered and authorized to sign as Speaker *pro tempore* the enrolled bills and joint resolutions requiring the signature of the Speaker.

"*Resolved*, That the Clerk notify the Senate and Governor of such election of the Honorable Geo. W. McClintic Delegate from the county of Kanawha as Speaker *pro tempore* and authority hereby given him to sign said enrolled bills and joint resolutions."

On motion of the same gentleman, the rules were suspended, and the resolution taken up for immediate consideration and adopted.

Thereupon,

Mr. McClintic was escorted to the Speaker's chair, and took the oath of office prescribed by law.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Houvouras, the further reading thereof was dispensed with.

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

Senate Bill No. 88—"A Bill for the prevention of blindness from ophthalmia neonatorum."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

G. C. HOWARD, *Chairman*.

Mr. Blackhurst, from the Committee on Counties, Districts and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 177—"A Bill to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

Amended by the Committee as follows:

Beginning at end of line twenty-four, word "council", as follows:

Section 99. It shall be the duty of the city of Charleston to provide suitable and proper places for the burial of the dead, which places may be in or out of the corporate limits of the said city. The city shall cause such places to be laid off into cemetery lots in a reasonable and proper way and shall sell lots for a reasonable price, but it may take into consideration the location of each of such lots in fixing the prices thereof. The city council shall have all the powers and rights of condemnation of any real estate that it may wish for such purpose in the manner provided by law, and it may require by means of condemnation any real estate which has already been laid out as a cemetery by any person, association or corporation.

No burials of the bodies of deceased persons shall hereafter be permitted within the incorporated limits of the city of Charleston or within the space of one mile of such incorporated limits without the permission of said city shall be first had and obtained, and the city of Charleston, through its proper authorities, shall have power to pass all proper ordinances providing suitable penalties to carry out the powers here given said city.

No moneys received from the sale of lots in any cemetery so owned, or hereafter owned, by said city shall be used for any other purpose than the proper care and preparation of the ground, upkeep and expenses of said cemetery, the roads and ways to and through the same and for the purchase of additional property for cemetery purposes.

Provided, That no contracts already made by the city with individuals shall be affected by this section and burials and sales of lots may be continued in the places now used for such purposes and having contracts with the city in relation thereto until the purchase or condemnation of such land or lots by the city.

Sec. 100. The building inspector shall be a competent person for the duties of his office and shall devote all his time to city work. He shall not be engaged or interested in the building business in any way or manner. The council shall by ordinance fix a proper salary for him. He shall see that the ordinances of the city and laws of the state concerning buildings are enforced, and perform such other duties as the manager or council may direct.

And report the same back with the recommendation that it do pass, as amended.

Respectfully submitted,
H. BLACKHURST, *Acting Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 27—"A Bill amending and re-enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five-a."

And report the same back with the recommendation that it do pass.

Respectfully submitted,
E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 236—"A Bill relating to manner of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-a, thereto, preventing such persons so released from becoming residents of Marshall county, West Virginia, for a period of five years."

And report the same back with the recommendation that it do pass.

Respectfully submitted,
E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

HOUSE JOINT RESOLUTION No. 5.

WHEREAS, The general assembly of the State of Maryland by joint resolution adopted on the tenth day of April, one thousand nine hundred and eighteen, provided for the appointment of a joint committee, to be composed of three on the part of the Senate and five on the part of the House of Delegates, to be appointed by the President of the Senate and Speaker of the House of Delegates, to confer with a like committee of the general assembly of West Virginia for the purpose of investigating and reporting to the next session of their respective general assemblies the feasibility, proposed method and cost of taking over any, or all, of the bridges connecting the state of Maryland and the state of West Virginia by either, or both, of said states; and

WHEREAS, A copy of said joint resolution has been transmitted by the governor of Maryland to the governor of West Virginia, and by him to the House of Delegates of West Virginia, therefore be it

Resolved, That a joint committee of eight, three to be named by the President of the Senate and five to be named by the Speaker of the House of Delegates, be appointed to confer with said like committee on the part of the general assembly of the state of Maryland, and to report as to the feasibility, advisability proposed method and cost of taking over any, or all, of the said bridges connecting the state of West Virginia and the state of Maryland by either, or both, of said states; and

Resolved, further, That said committee hereby provided for be, and it is hereby authorized to employ a clerk or stenographer, the members of said clerical assistance to receive the same pay as the members of this committee hereinafter provided for; and

Resolved, further, That the members of said committee shall each receive for their services the same per diem and mileage as members of the legislature for time actually consumed in the consideration of the matters herein-provided for, and, in addition, their actual expenses; and

Resolved, further, That the governor of the state of West Virginia is hereby requested to transmit a copy of these resolutions to the Governor of Maryland.

And report the same back with the recommendation that it be adopted.

E. F. MOORE, *Chairman*.

Mr. Brammer, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 231 (originating in the Committee on Education.)
—“A Bill to amend and re-enact sections twenty-eight, fifty-nine, eighty-seven, one hundred thirty, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three and one hundred thirty-four, and repeal sections one hundred fifty-five-*a* (1), one hundred fifty-five-*a* (2), one hundred fifty-five-*a* (3), one hundred fifty-five-*a* (4), one hundred fifty-five-*a* (5), one hundred fifty-five-*a* (6), one hundred fifty-five-*a* (7) one hundred fifty-five-*a* (8), one hundred fifty-five-*a* (9), one hundred fifty-five-*a* (10), one hundred fifty-five-*a* (11), one hundred fifty-five-*a* (12), one hundred fifty-five-*a* (13), and one hundred fifty-five-*a* (14), of chapter forty-five of the West Virginia code of one thousand nine hundred and sixteen, relating to education and to add to said chapter forty-five, sections one hundred thirty-five, one hundred thirty-six, one hundred thirty-six-*a* and one hundred thirty-six-*b*, and to repeal sections nineteen, twenty, twenty-one and twenty-two of chapter fifteen-*m*, of the West Virginia code of one thousand nine hundred and sixteen, relating to the state board of regents.

And report the same back with the recommendation that it do pass,

Respectfully submitted,

R. F. BRAMMER, *Acting Chairman.*

Mr. Coon moved that the bill (House Bill No. 231) be recommitted to the Committee on Education.

Pending which,

Mr. Twyman rose to the point of order “that under provisions of Rule No. 11 the bill could not be recommitted to the Committee”.

Which point of order the Chair held was not well taken.

The question recurring upon the motion of Mr. Coon, the same was put by the Chair, and prevailed.

Ordered, That the bill (House Bill No. 231) be recommitted to the Committee on Education.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 203—“A Bill creating the office of county treasurer and prescribing the power, duties and compensation thereof.”

And report the same back without recommendation.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

HOUSE JOINT RESOLUTION NO. 4—"Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the pre-eminent location for such sanitarium.

WHEREAS, The close of the world's war finds many soldiers of the armies of the United States of America incapacitated on account of rheumatism, diabetes and kindred diseases contracted in the discharge of their patriotic duty; and

WHEREAS, The cure of such soldiers would relieve the government from the payment of hundreds of millions in compensation, would release thousands of men for the fields of peaceful industry and be a blessing to those, and their generation, who have suffered the horrors of warfare for their country's sake; and

WHEREAS, The water of the Berkeley Springs, in the state of West Virginia, is pre-eminently fitted for the course of aforesaid diseases and admirably located for access from the Atlantic seaboard and the national capital; and

WHEREAS, The Congress of the United States of America has recently appropriated the sum of fourteen millions five hundred thousand dollars for the purpose of constructing and equipping buildings suitable for the treatment of the physical disabilities of soldiers; therefore be it

Resolved, by the Legislature of West Virginia, That a committee of five be appointed from the Senate and the House, two by the President of the Senate and three by the speaker of the House, and that the governor of this state appoint a like number at large from the citizens of this state, the governor to be ex-officio chairman thereof, to represent to the secretary of war the advantage to accrue to the nation at large and its disabled defenders by the construction and maintenance of a suitable building at Berkeley Springs, in the state of West Virginia, for the treatment of invalid soldiers for such diseases as the water of said springs is a curative agent."

And report the same back with the recommendation that it do pass.

Respectfully submitted,
S. L. PARSONS, *Chairman.*

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration,

House Bill No. 229—"A Bill relating to mothers' pensions."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

K. H. STOVER, *Chairman*.

Mr. Wysong, from the Committee on Private Corporations and and Stock Companies, submitted the following report, which was received:

Your Committee on Private Corporations and Joint Stock Companies has had under consideration,

House Bill No. 171—"A Bill to amend and re-enact sections seventy-seven, seventy-eight, seventy-eight-a (seven), seventy-nine-a (one), eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine), seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

A. F. WYSONG, *Chairman*.

Mr. Peck offered the following resolution:

HOUSE JOINT RESOLUTION NO. 6.—Authorizing and directing the supreme court of appeals of West Virginia to grant to Boyd Adkins, of Wayne, West Virginia, a license to practice law in the Courts of this state.

WHEREAS, Boyd Adkins, of Wayne, West Virginia, is shown to be a gentleman of good moral character, over twenty-one years of age and a citizen of said state, having resided therein all his life; and,

WHEREAS, It is well recognized that the said Boyd Adkins has the qualifications of an able lawyer though he does not have the educational requirements to enter law college or the state bar examinations for a license to practice law; and

WHEREAS, It is shown that the said Boyd Adkins has arrived at the age making it impracticable for him to enter school and acquire the educational qualifications aforesaid; therefore be it

Resolved, by the legislature of West Virginia, the Senate and House of Delegates both concurring therein, That the supreme court of appeals of West Virginia be, and is hereby authorized and required to issue to the said Boyd Adkins a license to practice the law in the courts of this state.

Referred to the Committee on the Judiciary.

Mr. O'Connor presented the petition of Troy B. Wilmoth and five hundred and eighty-four other citizens of Randolph county, praying for the enactment of the proposed school code (known as House Bill No. 40) in its entirety.

Referred to the Committee on Education.

Mr. Anderson offered the following resolution:

"WHEREAS, House Bill No. 40 has been in Committee since the opening of the session, and has not yet been reported out by the Committee on Education, therefore be it

"Resolved, That House Bill No. 40 be recalled from the Committee on Education, to which it was referred, and be placed on the calendar of the House in the usual order."

Which, under the rules, lies over one day.

The following bills were introduced, on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Neal (of Webster):

House Bill No. 245—"A Bill to amend and re-enact section fourteen-a (1) of chapter thirty of the code of West Virginia, as amended by chapter thirty-four of the acts of one thousand nine hundred and thirteen relative to the extension of time given sheriffs for collecting taxes."

Referred to the Committee on the Judiciary.

By Mr. Hale (by request):

House Bill No. 246—"A Bill to amend and re-enact sections thirteen and fourteen of chapter one hundred and forty-four of Barnes' code, nineteen hundred and sixteen, of West Virginia relating to offenses against the person."

Referred to the Committee on the Judiciary.

By Mr. Taylor:

House Bill No. 247—"A Bill to re-enact chapter twelve of the acts of the legislature of West Virginia, second extraordinary session of one thousand nine hundred and seventeen."

Referred to the Committee on the Judiciary.

Mr. Starcher presented the following communication:

Resolved, That it is the unanimous sense of the Clarksburg Chamber of Commerce that the bill now pending before the legis-

lature of this state for the regulation of the natural gas companies in this state by requiring them to furnish adequate service to domestic and industrial consumers residing in this state is worthy of the support of every citizen of West Virginia, and that there is an imperative necessity for the passage of some such act for the protection and relief of the public of this state; and

Resolved, further, That a copy of this resolution be sent to our representatives in the legislature with the request that they do all in their power to secure the enactment into law of the pending bill above mentioned.

G. W. DUDDERAR,

Secretary Clarksburg Chamber of Commerce.

Referred to the Committee on the Judiciary.

On motion of Mr. Morris, indefinite leave of absence was granted to Mr. Fortney (of Harrison), on account of illness.

On motion of Mr. Hall, House Bill No. 8 (a special order for today) was laid over, retaining its place on the calendar as a special order for tomorrow, February 5th, at 10:30 o'clock, A. M.

A message from the Senate, by Mr. Duty, announced the passage by that body of

Senate Bill No. 128—"A Bill to amend and re-enact section seventy-seven of chapter fifty-four of Barnes' code of West Virginia."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Harmer, announced the passage by that body of

Senate Bill No. 136—"A Bill to amend and re-enact section seven of chapter fifty-seven of the code, relating to the quantity of land that may be held by religious, educational or benevolent institutions, and suits in relation thereto."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Montgomery, announced the passage by that body of

Senate Bill No. 153—"A Bill authorizing the county court of Logan county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose, for the year one thousand nine hundred and twenty, on the taxable property in said county, for the purpose of building for said county, at the county seat thereof, a jail, and providing for the building thereof for the receipt and disbursement of all moneys raised by said levy."

And asked the concurrence of the House therein.

The hour of 11 o'clock, A. M., having arrived, the Senate and House of Delegates met in joint session, in the hall of the House of Delegates, pursuant to House Concurrent Resolution No. 8.

Thereupon,

Honorable Randolph Harrison, Chairman of the Virginia Debt Commission, addressed the assembly.

On motion of Mr. Anderson, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

On second reading, coming up in regular order for consideration.

Unanimous consent being given, the Chair announced that he desired further action be postponed until tomorrow morning.

House Bill No. 31—"A Bill to amend and re-enact section thirteen of chapter sixty-six, of the acts of the legislature of one thousand nine hundred and seventeen; serial section one thousand nine hundred and forty supplement of Hogg's code of one thousand nine hundred and eighteen, relative to state road commission."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Swisher, laid on the table.

House Bill No. 156—"A Bill to create the department of mines; to re-district the state for the purpose of mine inspection and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Brand moved that the bill be recommitted to the Committee on Taxation and Finance.

Which motion did not prevail.

The bill (H. B. No. 156) was then ordered to its engrossment and third reading.

Senate Bill No. 104—"A Bill to create and incorporate the muni-

cipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Hilleary, laid over, retaining its place on the calendar.

House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Hall, severally made, the bill was amended as follows:

On page eleven, after line twenty-six, by adding a new section, as follows:

"Section 132-a. Authority is hereby vested in the county court to correct mistakes, clerical errors, and all other errors made by the assessor in the land and personal property books, except the fixing of valuations. Any taxpayer, or the prosecuting attorney or state tax commissioner on behalf of the state, county and districts, claiming to be aggrieved by any entry in the land or personal property books of the county, or the resulting from a mistake, or clerical error or any error, resulting from any cause other than the value of the property as fixed by the assessor or board of review and equalization, may, within one year from the time such land or personal property books are delivered to the sheriff, apply for relief to the county court of the county in which such books are made out. But before such application is heard, the taxpayer shall give notice to the prosecuting attorney of the county or the state shall give notice to the taxpayer, as the case may be, of such hearing. Such application whether the case be by the taxpayer or the state; shall have precedence of all other business before the court; but any order or judgment made upon such application shall show that either the prosecuting attorney or the state tax commissioner was present defending the interests of the state, county and district. In the event it shall be ascertained that such applicant is entitled to relief as aforesaid and the taxes have been paid, the same shall be refunded to the taxpayer, and if charged and not paid, such

applicant shall be released from the payment thereof. And whenever any such assessment is corrected by the county court the clerk of the court shall certify a copy of such order to the auditor, to the sheriff and to the assessor, and, if real estate, said assessor shall thereupon make a correction in his land book for the next year according to such order. Any such order delivered to the sheriff or other collecting officer shall restrain him from collecting so much as is erroneously charged against the taxpayer, and if the same has been already collected, shall compel him to refund the money if such officer has not already paid into the treasury, and in either case, when endorsed by the person exonerated, it shall be sufficient voucher to entitle the officer to a credit for so much in his settlement which he is required to make. If the applicant be the state then the order so certified to the sheriff shall show the correct amount of taxes due the state, county and districts and shall be sufficient to authorize him to collect such taxes in the same manner as other state, county and district taxes are collected. The provisions of this section shall apply to taxes levied for the year one thousand nine hundred and eighteen."

On page seven, section ten, after the word "year," in line twenty-two, by adding the following: "In addition to the foregoing, the county court shall allow the assessor a reasonable compensation payable out of the county treasury, for extending the road levy on the land and property books."

On motion of Mr. Godfrey, the bill was amended on page 4, section 7, line 6, by striking out after the word "twenty" the word "two" and after the word "thousand" the words "five hundred."

Mr. Neal (of Webster), moved to amend the bill on page 7, section 12, line 5, by striking out the words "the first day of January" and inserting in lieu thereof the words "the first day of March."

Mr. Brand moved to amend the amendment by striking out the word "March" and inserting in lieu thereof the word "April."

Thereupon,

Mr. Neal (of Webster), accepted the amendment to the amendment, proposed by Mr. Brand.

The question recurring upon the adoption of the amendment proposed by Mr. Neal (of Webster), as amended,

On that question,

Mr. Hall demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Brand, Brammer, Bray, Calhoun, Cunningham, Ferguson, Fortney (of Preston), Hall, Hamilton, Harvey Hays, Kern, Kuykendall, Lester, Mahan, Mollohn, Morris, McCauley, McPherson, Neal (of Webster), Parsons, Peck, Pridemore, Rankin, Rouss, Shaw, Shomo, Starcher, Stover, Sturm Summers, Swisher, Thurmond, Twyman, Vaughn and Williams (of Pleasants)—37.

The noes were:

Messrs. Anderson, Bannister, Blizzard, Byrnes, Capehart, Clements, Coleman, Coon, Fitch, Godfrey, Grove, Hackney, Hale, Hendricks, Hersman, Hickman, Hilleary, Houvouras Howard, John, Jones, Miller, Moore, Moran, Moulds, Musser, McClaren, McClintic, McVey, Nutter, Pedigo, Perin, Pettigrew, Richards, Spangler, Taylor, Weiss and Wysong—38.

Absent and not voting:

Messrs. Bland, Coberly, Cosner, Cox, Cuppett, Fortney (of Harrison), Hobbs, Lantz, McDermitt, Neale (of Cabell), O'Connor, Otto, Sarver, Scott, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—18.

So, a majority not having voted in the affirmative, the motion did not prevail.

Mr. Hays moved to amend the bill by striking out all of section thirteen, on page seven.

On that question,

Mr. Kuykendall demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Bray, Calhoun, Capehart, Clements, Coleman, Cunningham, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Jones Kern, Kuykendall, Lester, Miller, Mollohan, Musser, McCauley, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Nutter, Peck, Perin, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Weiss and Williams (of Pleasants)—49.

The noes were:

Messrs. Brand, Brammer, Byrnes, Coon, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hendricks, Hilleary, Houvouras, Howard, John, Mahan, Moore, Moran, Morris, Moulds, O'Connor, Pettigrew, Starcher, Taylor and Wysong—24.

Absent and not voting:

Messrs. Bland, Coberly, Cosner, Cox, Cuppett, Fortney (of Harrison), Hobbs, Lantz, McDermitt, Neale (of Cabell), Otto, Parsons, Pedigo, Sarver, Scott, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—20.

So, a majority having voted in the affirmative, the amendment was adopted.

Mr. Pettigrew moved to amend the bill on page four, section six, line fourteen, by striking out the word "six" and inserting in lieu thereof the word "nine."

Which motion did not prevail.

On motion of Mr. Fortney (of Preston), the bill was amended on page five, section eight, line four, by striking out the word "they" and all that follows down to and including the word "court" in line seven, and inserting in lieu thereof the following: "It shall be the privilege of any assessor in this state to employ his assistants for whatever time he and the county court may deem necessary to have such services, or if they so desire, for the full term for which the assessor was elected."

On motions of Mr. Godfrey, severally made, the bill was amended as follows:

On page five, section seven, line twenty-seven, by inserting after the word "five" the word "hundred."

On page five, section seven, line twenty-eight, by inserting after the word "dollars" the words "per annum."

Mr. Rankin moved to amend the bill on page eleven, section sixty-three, by inserting after the word "shares" the following:

"And on the first day of every assessment year the cashier, or chief accounting officer, of every bank or banking institution within the state receiving and holding money for deposit, subject to check or otherwise, shall, upon demand of the assessor of the county in which such bank or institution is situated, furnish him a true list of the depositors having money on deposit in such bank or institution on said date, together with a statement of the amount on deposit on said date by said depositors, respectively."

Which motion did not prevail.

Mr. Hendricks moved to amend the bill on page eleven, section sixty-three, line seventeen, by striking out after the word "state" all that follows down to and including the word "shares" in line twenty-six.

On that question,

Mr. Brand demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Byrnes, Capehart, Clements, Cunningham, Ferguson, Godfrey, Hackney, Hamilton, Harvey, Hendricks, Hickman, Hobbs, John, Kern, Moran, Musser, McClaren, McClintic, McPherson, Nutter, Perin, Pridemore, Rankin, Richards, Shomo, Starcher, Stover, Sturm, Swisher, Twyman, Weiss, Williams (of Pleasants) and Wysong—38.

The noes were:

Messrs. Calhoun, Coon, Fitch, Fortney (of Preston), Hall, Hays, Hersman, Hilleary, Houvouras, Howard, Kuykendall, Mahan, Miller, Mollohan, Moore, Moulds, McCauley, Neal (of Webster), O'Connor, Peck, Pettigrew, Rouss, Shaw, Spangler and Taylor—25.

Absent and not voting:

Messrs. Bland, Blizzard, Bray, Coberly, Coleman, Cosner, Cox, Cuppett, Fortney (of Harrison), Grove, Hale, Jones, Lantz, Lester, Morris, McDermitt, McVey, Neale (of Cabell), Otto, Parsons, Pedigo, Sarver, Scott, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—30.

So, a majority having voted in the affirmative, the amendment was adopted.

On motion of Mr. Godfrey, the bill was amended on page one, section one, line one, by striking out after the word "twelve" the word "thirteen."

The bill (H. B. No. 125) as amended, was then ordered to its engrossment and third reading.

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Kuykendall, the bill was amended on page one, section three, line two, after the word "goat" by inserting the words "geese, turkeys, chickens."

On motion of Mr. Coon, the bill was amended on page four, section three, line twenty-six, by adding after the word "election"

the following: "And the county court in calling the election may designate in the order calling the election to which of the animals herein before named this act shall apply so as to prevent the same or any of them from running at large."

On motions of Mr. McCauley, severally made, the bill was amended on page four, section three, line twenty-four, by inserting after the word "any" the words "district or," and on same page, same section, line twenty-six, after the word "said" by inserting the words "district or."

Mr. Anderson moved to amend the bill on page four, section three, line twenty-four, by striking out all of lines twenty-four, twenty-five and twenty-six, as amended.

Which motion did not prevail.

The bill, as amended, was then ordered to its engrossment and third reading.

On motion of Mr. Moore, Chairman of the Committee on the Judiciary, permission was granted the members of said Committee to retire from the floor of the House, for the purpose of further hearing of the Sturgiss' matter.

A message from the Senate, by Mr. Burgess, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 14—"Providing for the appointment of a joint committee by the Senate and House of Delegates to confer with a like committee appointed by the legislature of the State of Maryland, as to the feasibility, method and cost of acquiring or taking over any bridge or bridges connecting the said two states."

Be it Resolved by the Senate, the House of Delegates Concurring Therein: That a joint committee composed of three on the part of the Senate and five on the part of the House of Delegates be appointed by the President of the Senate and Speaker of the House of Delegates, to confer with a like committee as authorized by the legislature of Maryland. Said committee to arrange place and time of meeting and jointly investigate and make report at the next session, of their respective General Assemblies regarding the feasibility of the proper method and the cost of taking over any or all of the bridges, by either or both of said states. Be it further

Resolved, That the Governor of the State of West Virginia be and he is hereby requested to transmit a copy of these resolutions to the Governor of Maryland.

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Scherr, announced the concurrence of that body in the adoption of

HOUSE CONCURRENT RESOLUTION No. 7—"Authorizing the janitor of the capitol to employ, under the statute, additional help during the present session of the legislature."

Resolved, By the House of Delegates, the Senate concurring therein:

That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the House, upon proper warrants drawn by the sergeant-at-arms of the House upon the auditor, and five to be paid out of the contingent fund of the Senate upon proper warrants drawn upon the auditor by the Clerk of the Senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the contingent fund of the House and other half out of the contingent fund of the Senate, upon warrants drawn by the proper officers upon the auditor.

Resolved, further, that the janitor also appoint two charwomen, who shall receive the same compensation as the assistant legislative janitors, one of said charwomen to be paid out of the contingent fund of the House and other out of the contingent fund of the Senate upon warrants drawn upon the auditor by the sergeant-at-arms of the House and the Clerk of the Senate, respectively.

A message from the Senate, by Mr. Scherr, announced the passage by that body of

Senate Bill No. 114—"A Bill to amend and re-enact chapter fifteen-j, Barnes' code of one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a state board of children's guardians and to define its duties."

And,

Senate Bill No. 149—"A Bill authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public money; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto."

And asked the concurrence of the House therein.

House Bill No. 93—"A Bill to regulate the sale of commercial feeding stuffs."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Hersman moved to amend the bill in section one, line five, inserting after the word "wheat" the words "or wheat bran when manufactured and sold at retail".

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

A message from the Senate, by Mr. Cobun, announced the passage by that body of

Senate Bill No. 24—"A Bill to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to care and preservation of state and county archives."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Poling, announced the passage by that body of

Senate Bill No. 48—"A Bill to amend and re-enact chapter thirty-six of the code relating to the examination and testing of seeds sold in West Virginia for agricultural purposes, requiring labeling of said seed and providing penalty for violation thereof."

And asked the concurrence of the House therein.

Unanimous consent being given,

House Bill No. 106—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty nine, sixty-four, ninety-seven, one hundred five, one hundred seven, one hundred nine, one hundred twenty, one hundred twenty-one, one hundred thirty, and adding sections forty, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred four, of chapter thirty-two of Barnes' code, one thousand nine hundred and eighteen, relating to regulations respecting licenses and license taxes."

Was made a special order for tomorrow, February fifth, at 2.30 o'clock, P. M.

Mr. Pettigrew moved that House Bill No. 177 be taken up for immediate consideration and advanced to first reading.

Which motion did not prevail.

On motion of Mr. John,

House Bill No. 59—"A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."

On second reading,

Was taken up for immediate consideration.

On the further motion of the same gentleman, the bill (H. B. No. 59) was made a special order for tomorrow, February fifth, at 2 o'clock, P. M.

House Bill No. 117—"A Bill to make gas pipe lines public service corporations and common carriers within this state."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

On motion of Mr. Harvey, indefinite leave of absence was granted to Mr. Cosner, on account of illness.

On motion of Mr. Hendricks, the House adjourned.

WEDNESDAY, FEBRUARY 5, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Fortney (of Preston), the further reading thereof was dispensed with.

A message from the Senate, by Mr. Sanders, announced the passage by that body of

Senate Bill No. 12—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty-nine, all of sub-divisions 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five and sections thirty, thirty-one and thirty-one-a of chapter forty-seven of the 'West Virginia code, one thousand nine hundred and sixteen,' and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the 'West Virginia code, one thousand nine hundred and sixteen,' relating to the rate and manner of laying levies for taxation in counties, magisterial districts, independent school dis-

tricts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general fund."

And asked the concurrence of the House therein.

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration,

House Bill No. 222—"Employment of labor;—false advertisements."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

K. H. STOVER, *Chairman*.

Mr. Hough, from the Joint Sub-Committee of the Senate Committee and House of Delegates Committee on Roads, submitted the following report, which was received:

Your Committee on Roads has had under consideration.

House Bill No. 123—"A Bill to amend chapter forty-three, Barnes' code, one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-a, authorizing county courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county."

With title amended, as follows:

House Bill No. 123—"A Bill to amend and re-enact section twenty-two of chapter sixty-six, of the acts of the legislature of one thousand nine hundred and seventeen, relating to public highways and bridges, so as to authorize county courts to lay special county bridge levy not to exceed twenty cents on each one hundred dollars of valuation of the taxable property of the county."

And,

House Bill No. 148—"A Bill to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from, the provisions of said special levy, as amended and re-enacted by chap-

ter thirty-five of the acts of one thousand nine hundred and seventeen."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

ELMER HOUGH,

Chairman, Joint Sub-Committee.

Approved and endorsed by the House Committee on Roads.

J. J. SWISHER, *Chairman.*

Mr. Swisher, from the Joint Sub-Committee of the Senate Committee and House of Delegates Committee on Roads, submitted the following report, which was received:

Your Committee on Roads has had under consideration.

House Bill No. 158—"A Bill to amend and re-enact section one of chapter twenty-nine of the acts of the legislature of one thousand nine hundred and seventeen and to add thereto section two, for the purpose of authorizing county courts to change the method of improving public roads and to make proper location of same, with proceeds of bonds voted pursuant to chapter eight of the acts of the legislature of one thousand nine hundred and fifteen, second extraordinary session after having received authority therefor from the voters of the county or district affected, in an election held for that purpose."

With title amended, as follows:

House Bill No. 158—"A Bill to amend chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen by adding thereto section twenty-eight-*b*, for the purpose of authorizing county courts to change the method of improving public roads, and to make proper location of same, with proceeds of bonds voted pursuant to sections twenty-six, twenty-seven and twenty-eight of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, after having received authority therefor from the voters of the county or district affected, in an election held for that purpose."

And report the same back with the recommendation that it do pass, as amended in sub-committee.

Respectfully submitted,

ELMER HOUGH,

Chairman, Joint Sub-Committee.

Approved and endorsed by the House Committee on Roads.

J. J. SWISHER, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 245—"A Bill to amend and re-enact section fourteen-a (1) of chapter thirty of the code of West Virginia, as amended by chapter thirty-four of the acts of one thousand nine hundred and thirteen relative to the extension of time given sheriffs for collecting taxes."

And,

House Bill No. 194—"A Bill to amend and re-enact section forty-nine of chapter fifty-three of the code."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 232—"A Bill providing for the retirement of circuit court judges upon certain contingencies with pay."

Also,

House Bill No. 192—"A Bill to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-four of chapter thirty-one of the code, as amended by chapter sixty-seven of the acts of the legislature of one thousand nine hundred and seventeen, relating to the sale of real estate for delinquent taxes, and to the redemption thereof from such sales and deeds to purchasers thereof."

And,

House Bill No. 160—"A Bill amending and re-enacting section three of chapter one hundred and fifty-nine of the code of West Virginia, relating to selecting and empaneling juries in criminal cases."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

House Bill No. 232, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 192, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 160, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

On motion of Mr. Howard,

House Bill No. 220—"A Bill discontinuing the county high school of Calhoun county, West Virginia, and providing for the sale of the property thereof and the distribution of moneys obtained by levy therefor."

Was recommitted to the Committee on Education.

Mr. Hale, from the Committee on Mines and Mining, submitted the following report, which was received:

Your Committee on Mines and Mining has had under consideration,

House Bill No. 21—"A Bill to amend and re-enact section forty-seven of chapter fifteen-h of the code of West Virginia (Barnes' Edition) one thousand nine hundred and sixteen relating to the weighing of coal."

And report the same back with the recommendation that it do not pass.

, Respectfully submitted,

C. C. HALE, *Chairman.*

House Bill No. 21, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

On that question,

Mr. Blizzard demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bray, Calhoun, Godfrey, Hale, Hays, Lester, Mahan, Moran, McClaren, McVey, Neal (of Webster), Pedigo, Rouss, Summers and Thurmond—16.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Preston), Grove, Hackney, Hall, Hamilton, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Miller, Mollohan, Moore, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, Nutter, O'Connor, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—58.

Absent and not voting:

Messrs. Bland, Byrnes, Cosner, Cox, Cuppett, Fortney (of Harrison), Harvey, Hickman, Kern, Lantz, Morris, Neale (of Cabell), Otto, Peck, Sarver, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—19.

So, a majority not having voted in the affirmative, the bill was not rejected.

The bill (H. B. No. 21) was then ordered to its first reading.

Mr. McClintic, Speaker *pro tem*, from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration the amendment to the rules offered by Mr. John on January thirty-first, one thousand nine hundred and nineteen, as follows:

95. On the passage of every bill (and when the yeas and nays on any question are called for by one-tenth of those present), the Speaker shall direct the roll to be called, and every member present shall answer "aye" or "no," when his name is called. Before the result is announced the Clerk shall read to the House the names of those who voted in the negative, at which time any member may correct a mistake committed in taking down his vote; but such verification of the vote shall not be made when there are no votes in the negative, unless demanded by a member of the House. The result shall then be announced, and the yeas and nays entered on the Journal, but if the House so ordered, the announcement of the result and the entry of the yeas and nays entered upon the Journal may be postponed to the succeeding day, with liberty to absent members, at any time before the result is announced by the Speaker, appear and vote aye or no, in the presence of the House; and any member may in the presence of the House change his vote before the result is announced.

And report the same back with the recommendation that it be adopted.

GEO. W. MCCLINTIC, *Chairman Pro Tem*.

Thereupon,

The resolution was taken up for immediate consideration and adopted.

Mr. Hough, from the Joint Sub-Committee of the Senate Committee and House of Delegates Committee on Roads, submitted the following report, which was received:

Your Committee on Roads has had under consideration.

House Bill No. 134—"A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

ELMER HOUGH,

Chairman, Joint Sub-Committee

Approved and endorsed by the House Committee on Roads.

J. J. SWISHER, *Chairman.*

Unanimous consent being given,

On motion of Mr. Parsons,

Senate Bill No. 12—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty-nine, all of sub-divisions 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five and sections thirty, thirty-one and thirty-one-*a* of chapter forty-seven of the 'West Virginia code, one thousand nine hundred and sixteen,' and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-*a* of the 'West Virginia code, one thousand nine hundred and sixteen,' relating to the rate and manner of laying levies for taxation in counties, magisterial districts, independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general fund."

Was substituted for,

House Bill No. 8—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty-nine, all of sub-division '*d*' and '*e*' in thirty, forty, forty-one, and forty-nine of chapter forty-five, and sections thirty, thirty-one, and thirty-one-*a* of chapter forty-seven of the West Virginia code, one thousand nine hundred and sixteen, and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-*a* of the West Virginia code, one thousand nine hundred and sixteen, relating to the rate and manner of laying levies for taxation in counties, magisterial and district and

independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund."

On second reading, being a special order for 10.30 o'clock, A. M., today.

Mr. Moore in the Chair.

On motion of Mr. Weiss, the rules were suspended and

Senate Bill No. 12—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty-nine, all of sub-divisions 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five and sections thirty, thirty-one and thirty-one-a of chapter forty-seven of the 'West Virginia code, one thousand nine hundred and sixteen,' and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the 'West Virginia code, one thousand nine hundred and sixteen,' relating to the rate and manner of laying levies for taxation in counties, magisterial districts, independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general fund."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cosner, Cunningham, Ferguson, Fitch, Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Molohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey,

Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Weiss and Wysong—71.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Bray, Coon, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Hickman, Lantz, Lester, Neale (of Cabell), Otto, Parsons, Pedigo, Sarver, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—22.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title.

On motions of Mr. McClintic, severally made, the bill was amended as follows:

On page twenty-five, section twelve, after the word "draft" in line nineteen, by striking out all that follows down to and including the word "jurisdiction", in line twenty-nine.

On same page, same section, by striking out the words "negligently or" in line thirty.

On motion of Mr. Richards, the bill was amended on page eight, section five, line three, by inserting after the word "district" the words "except the independent school district of Wheeling."

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill, as amended, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays,

Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), and Wysong—77.

The noes were:

Messrs. Coberly, Kern and Shomo—3.

Absent and not voting:

Messrs. Bland, Cox, Cuppett, Fortney (of Harrison), Lantz, Mollohan, Neale (of Cabell), Otto, Sarver, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—13.

Ordered, That Mr. Parsons communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 12) as amended and ask concurrence in the amendments.

On motion of Mr. Parsons, House Bill No. 8 was indefinitely postponed.

Unanimous consent being given, the following bills were introduced on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Hersman:

House Bill No. 248—"A Bill to amend and re-enact section thirty-nine of chapter twenty-nine of the code, relating to the assessment of taxes upon oil and gas interests, and the method of collecting the same."

Referred to the Committee on Taxation and Finance.

By Mr. McClaren:

House Bill No. 249—"A Bill fixing the annual allowance to the clerk of the county court of McDowell county."

Referred to the Committee on the Judiciary.

By Mr. Hilleary:

House Bill No. 250—"A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."

Reference to Committee dispensed with.

By Mr. Neal (of Webster):

House Bill No. 251—"A Bill to amend and re-enact chapter one hundred and forty-four, section fifteen, of the West Virginia code of one thousand nine hundred and eighteen."

Referred to the Committee on the Judiciary.

By Mr. Moore:

House Bill No. 252—"A Bill creating the twenty-fourth judicial circuit, fixing the time for holding terms of circuit court thereof, providing for the election of a judge thereof, and providing that Marshall county shall constitute and remain the twenty-fourth judicial circuit."

Referred to the Committee on the Judiciary.

Mr. Vaughn presented the following communication:

The following resolution was adopted by the business men's association of Grafton, West Virginia, at its regular meeting held on Monday, February third, one thousand nine hundred and nineteen:

"We, the business men's association, of Grafton, West Virginia, realizing the great responsibility and work resting upon our public schools, and favoring the things that make for educational progress in our state, heartily endorse the spirit of the new school code, House Bill No. 40, now in the hands of the Educational Committee of the state legislature, leaving the details of the bill to the good judgment of the legislative assembly.

"We believe that it is necessary for West Virginia to have a code of this kind to keep pace educationally with other states of our Union."

Certified:

JED. W. ROBINSON, *President*.

Attest:

HARRY FRIEDMAN, *Secretary*.

Referred to the Committee on Education.

Mr. Starcher presented the following telegraphic communication:

FAIRMONT, W. VA., Feb. 4, 1919.

W. E. STARCHER, Care State House of Delegates,
Charleston, W. Va.

House Bill No. sixty-five is for the benefit of the street car riding public and is endorsed by them. Please give the public and the street car workers your vote and influence for the passage of this bill, and it will be appreciated and remembered by the public in General. Please read on floor of House.

STREET CAR WORKERS OF THE MONONGAHELA VALLEY.

Referred to the Committee on Labor.

Mr. Hilleary offered the following resolution:

HOUSE JOINT RESOLUTION NO. 7.

"Authorizing and directing the public health council to issue to Dr. W. R. Bond, of Selbyville, Upshur county, West Virginia, a certificate to practice medicine and surgery in the state of West Virginia, and giving him authority to practice thereunder."

WHEREAS, the said Dr. W. R. Bond had, prior to the enactment of chapter eleven of the acts of the legislature of one thousand nine hundred and fifteen (regular session) practiced medicine in said state for more than twelve years, during which period he had been an ethical practioner; therefore, be it

Resolved, by the legislature of West Virginia, That the public health council constituted by said act be, and the said council is hereby empowered and directed to register the said Dr. W. R. Bond as a licensed physician, and to issue to him a certificate, without examination, authorizing him to practice medicine and surgery in the state of West Virginia upon his filing with the secretary of said council an affidavit showing his name, age and place of residence, and that he had practiced medicine for more than twelve years prior to the passage of said act; *provided*, said affidavit shall be filed with the secretary of said council within six months from the adoption of this resolution. And from and after the issuance to him of said certificate as herein provided, he shall be lawfully entitled to continue the practice of medicine and surgery anywhere in said state.

Referred to the Committee on Medicine and Sanitation.

On motion of Mr. Hall, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

The Speaker *pro tempore*, resume the Chair.

The hour having arrived to which

House Bill No. 59—"A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for viola-

tions thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."

On second reading,

Was made a special order.

The bill was then read a second time and ordered to its engrossment and third reading.

The following resolution offered by Mr. Anderson, on yesterday:

"WHEREAS, House Bill No. 40 has been in Committee since the opening of the session, and has not yet been reported out by the Committee on Education, therefore be it

"Resolved, That House Bill No. 40 be recalled from the Committee on Education, to which it was referred, and be placed on the calendar of the House in the usual order."

Coming up in regular order, was read by the Clerk.

On motion of Mr. Hays, the resolution was amended by inserting after the words "House Bill No. 40" the words "and House Bill No. 231".

The resolution, as amended, was then taken up for consideration and adopted.

Unanimous consent being given,

On motion of Mr. Kuykendall,

HOUSE JOINT RESOLUTION No. 5.

"Providing for the appointment of a joint committee by the Senate and House of Delegates to confer with a like committee appointed by the legislature of the state of Maryland, as to the feasibility method and cost of acquiring or taking over any bridge or bridges connecting the said two states."

WHEREAS, The general assembly of the state of Maryland by joint resolution adopted on the tenth day of April, one thousand nine hundred and eighteen, provided for the appointment of a joint committee, to be composed of three on the part of the Senate and five on the part of the House of Delegates, to be appointed by the President of the Senate and the Speaker of the House of Delegates, to confer with a like committee of the general assembly of West Virginia for the purpose of investigating and reporting to the next session of their respective general assemblies the feasibility, proposed method and cost of taking over any, or all, of the bridges connecting the state of Maryland and the state of West Virginia by either, or both, of said states; and

WHEREAS, A copy of said joint resolution has been transmitted by the governor of Maryland to the governor of West Virginia, and by him to the House of Delegates of West Virginia, therefore be it

Resolved, That a joint committee of eight, three to be named by the President of the Senate and five to be named by the Speaker of the House of Delegates, be appointed to confer with said like committee on the part of the general assembly of the state of Maryland, and to report as to the feasibility, advisability, proposed method and cost of taking over any, or all, of the said bridges connecting the state of West Virginia and the state of Maryland by either, or both, of said states; and

Resolved, further, That said committee hereby provided for be, and it is hereby authorized to employ a clerk or stenographer, the members of said clerical assistance to receive the same pay as the members of the committee hereinafter provided for; and

Resolved, further, That the members of said committee shall each receive for their services the same per diem and mileage as members of the legislature for time actually consumed in the consideration of the matters herein provided for, and, in addition, their actual expenses; and

Resolved, further, That the governor of the state of West Virginia is hereby requested to transmit a copy of these resolutions to the governor of Maryland.

Was taken up for immediate consideration.

On the adoption of the resolution:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Preston), Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hersman, Hobbs, Howard, John, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, and Williams (of Pleasants)—66.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Coberly, Coon, Cosner, Cox, Cuppett, Fortney (of Harrison), Godfrey, Hale, Hamilton, Hickman, Hilleary, Houvouras, Jones, Kern, Lantz, McVey, Neale (of Cabell), Otto, Sarver, Scott, Thomas, Vanmeter, Williams (of Ohio), Wysong and Wolfe, (Speaker)—27.

So, a majority of those present having voted in the affirmative, the resolution was adopted.

Ordered, That Mr. Kuykendall communicate to the Senate the adoption of the resolution (H. J. R. No. 5) and ask concurrence therein.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, Engrossed Senate Bill No. 9 amended as follows:

Section twenty-five, line seven, page two, by inserting the word "civil" after the word "no" and before the word "case."

Also, in line ten, same section, same page, after word "every" insert the word "civil."

Also, in line thirteen, same section, same page, after the word "any" insert the word "such."

Also, in line fifteen, same section, same page, after the word "demurrer" strike out the words "to the evidence."

Also, in line seventeen, same section, same page, strike out the word "the" and insert the letter "a."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

On motion of Mr. Moore, Chairman of the Committee on the Judiciary, permission was granted the members of said Committee to retire from the floor of the House, for the purpose of further hearing of the Sturgiss' matter.

Unanimous consent being given,

House Bill No. 106—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, sixty-four, ninety-seven, one hundred five, one hundred seven, one hundred nine, one hundred twenty, one hundred twenty-one, one hundred thirty, and adding sections forty, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred four, of chapter thirty-two of Barnes' code, one thousand nine hundred and

eighteen, relating to regulations respecting licenses and license taxes."

Was made a special order for Thursday, February 6th, at 11 o'clock, A. M.

House Bill No. 156—"A Bill to create the department of mines; to re-district the state for the purpose of mine inspection and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven."

On third reading, coming up in regular order for consideration, was read a third time.

Mr. Stover moved that the bill be made a special order for Friday, February 7th, at 2 o'clock, P. M.

Which motion did not prevail.

The bill was then put upon its passage and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hileary, Hobbs, Houvouras, Howard, John, Kern, Lester, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Peck, Pedigo, Perin, Pettigrew, Rankin, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—66.

The noes were:

Messrs. Brand, Mahan, Parsons and Pridemore—4.

Absent and not voting:

Messrs. Bland, Coberly, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Hersman, Jones, Kuykendall, Lantz, Moore, Moran, McCauley, Neale (of Cabell), Otto, Richards, Sarver, Scott, Swisher, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—23.

Mr. Blizzard moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cosner, Cunningham, Ferguson, Fitch, Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—63.

The noes were:

Mr. Brand—1.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Coberly, Coon, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Grove, Jones, Kern, Kuykendall, Lantz, Moore, Moran, McCauley, Neale (of Cabell), Nutter, Otto, Richards, Sarver, Scott, Summers, Swisher, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. 156), takes effect from its passage.

Ordered, That Mr. Hale communicate to the Senate the passage of the bill and request concurrence therein.

A message from the Senate, by Mr. York, announced that that body had amended, and passed as amended,

House Bill No. 14—"A Bill pertaining to the public health."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Sanders, announced that the Senate had refused to concede in the amendments proposed by the House of Delegates to

Senate Bill No. 12—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty-nine, all of sub-division 'd' and 'e' in thirty, forty, forty-one and forty-nine of chapter forty-five, and sections thirty, thirty-one and thirty-one-a of chapter forty-seven of the 'West Virginia code, one thousand nine hundred and sixteen,' and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend

and re-enact chapter twenty-eight-*a* of the 'West Virginia code, one thousand nine hundred and sixteen,' relating to the rate and manner of laying levies for taxation in counties, magisterial and district and independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund."

And requested that the House recede from the same.

A message from the Senate, by Mr. Bloch, announced the passage by that body of

Senate Bill No. 167—"A Bill to amend and re-enact section forty-nine of chapter fifty-three of the code."

And,

Senate Bill No. 62—"A Bill to amend chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, by adding thereto section twenty-eight-*a* by which to enable building and loan associations to create a limited sinking fund to stabilize the maturity of stock series; and to require building and loan associations, whether incorporated or not incorporated, and all persons, firms, partnerships, associations, trustees, or combination of persons doing a building and loan business, or business of like kind or character, to obtain a permit from the Commissioner of Banking, and providing penalties."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. York, announced the passage by that body of

Senate Bill No. 134—"A Bill to amend and re-enact sub-section two of section one; sub-section five of section one; section two, section six, all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen, and to add to said chapter section three-*a* and section six-*a*, all relating to the public health."

And asked concurrence of the House therein.

A message from the Senate, by Mr. Cobun, announced the passage by that body of

Senate Bill No. 164—"A Bill to amend and re-enact sections three, eight, twenty and twenty-three of chapter five, of the third extraordinary session of the legislature, one thousand nine hundred and sixteen, concerning primary elections, the nominations of candidates, the regulation of political parties and party committees."

And,

Senate Bill No. 165—"A Bill to amend and re-enact chapter thirteen, second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state or to the United States to be absent from their voting precincts on the day of election, to vote by registered mail."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Lewis, announced the passage by that body of

Senate Bill No. 151—"A Bill to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, etc., in coal mines."

And asked the concurrence of the House therein.

On motion of Mr. Hall, indefinite leave of absence was granted to Mr. Lantz.

Unanimous consent being given, the following bills were introduced on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Hilleary:

House Bill No. 253—"A Bill to re-arrange and establish the several judicial circuits in this state, and to fix the time of holding the circuit courts in the several counties therein."

Referred to the Committee on the Judiciary.

By Mr. McClaren (by request):

House Bill No. 254—"A Bill to amend and re-enact section one, chapter sixty-five, serial section three thousand six hundred and forty-nine, Hogg's code one thousand nine hundred and thirteen."

Referred to the Committee on the Judiciary.

By Mr. Hickman:

House Bill No. 255—"A Bill relative to payment of deposit in two names."

Referred to the Committee on Private Corporations and Joint Stock Companies.

By Mr. Houvouras:

House Bill No. 256—"A Bill declaring certain combinations and associations unlawful and fixing the punishment for the violation of the same."

Referred to the Committee on the Judiciary.

A message from the Senate, by Mr. Harmer, announced the concurrence of that body in the passage of

House Bill No. 75—"A Bill to amend and re-enact section four of chapter twenty-seven, of the acts of one thousand nine hundred and nine."

House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Fitch, Godfrey, Grove, Hackney, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Mahan, Miller, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Shaw, Shomo, Spangler, Starcher, Sturm, Swisher, Thomas, Vaughn, Weiss and Wysong—52.

The noes were:

Messrs. Calhoun, Cosner, Ferguson, Hall, Harvey, Mollohan, Neal (of Webster), Peck, Rankin, Rouss, Twyman and Williams (of Pleasants)—12.

Absent and not voting:

Messrs. Anderson, Bland, Coberly, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Hale, Jones, Kern, Kuykendall, Lantz, Lester, Moore, Moran, McCauley, Neale (of Cabell), Nutter, Otto, Richards, Sarver, Scott, Stover, Summers, Taylor, Thurmond, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—29.

Mr. Godfrey moved that the bill take effect from its passage.

On motion of the same gentleman, the announcement of the vote was postponed until Thursday, February sixth, at 10:15 o'clock, A. M.

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bland, Brand, Brammer, Bray, Byrnes, Capehart, Coon, Cosner, Fitch, Hendricks, Hickman, Hilleary, Houvouras, John, Lester, Mahan, Moulds, McClaren, McClintic, McPherson, Parsons, Pedigo, Perin, Rankin, Shaw, Stover, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants) and Wysong—34.

The noes were:

Messrs. Bannister, Blizzard, Calhoun, Clements, Coleman, Cunningham, Ferguson, Hackney, Hall, Hamilton, Harvey, Hays, Hersman, Hobbs, Howard, Miller, Mollohan, Moran, Morris, Musser, McDermitt, McVey, Neal (of Webster), Peck, Pettigrew, Pridemore, Rouss, Shomo, Spangler, Starcher, and Sturm—31.

Absent and not voting:

Messrs. Anderson, Coberly, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Jones, Kern, Kuykendall, Lantz, Moore, McCauley, Neale (of Cabell), Nutter, O'Connor, Otto, Richards, Sarver, Scott, Summers, Thomas, Vaughn, Vanmeter, Williams (of Ohio), and Wolfe (Speaker)—28.

Ordered, That Mr. McPherson, communicate to the Senate the passage of the bill (H. B. No. 34) and ask concurrence therein.

House Bill No. 93—"A Bill to regulate the sale of commercial feeding stuffs."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cosner, Cunningham, Ferguson, Fitch, Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Honvouras, Howard, John, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—66.

The noes were:

None.

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Absent and not voting:

Messrs. Anderson, Coberly, Coon, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Grove, Jones, Kearns, Kuykendall, Lantz, Moore, Moran, McCauley, McPherson, Neale (of Cabell), Nutter, Otto, Richards, Sarver, Scott, Starcher, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—27.

Ordered, That Mr. Parsons communicate to the Senate the passage of the bill (H. B. No. 93) and ask concurrence therein.

House Bill No. 117—"A Bill to make gas pipe lines public service corporations and common carriers within this state."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cosner, Cunningham, Ferguson, Fitch; Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Hourvouras, Howard, John, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Twyman, Vaughn, Weiss and Wysong—62.

The noes were:

Messrs. Bland, Pridemore, Summers and Swisher—4.

Absent and not voting:

Messrs. Anderson, Coberly, Coon, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Jones, Kern, Kuykendall, Lantz, Moore, Moran, McCauley, McPherson, Neale (of Cabell), Nutter, Otto, Richards, Sarver, Scott, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolf (Speaker)—27.

Ordered, That Mr. Hall communicate to the Senate the passage of the bill (H. B. No. 117) and ask concurrence therein.

Unanimous consent being given,

Mr. Swisher, from the Committee on Rules, offered the following resolution:

Resolved, That the Clerk of the House be authorized to appoint one assistant to the Clerk of the Committee on Passed and Enrolled Bills, with pay as assistant clerk, to represent the minority side of the House and that the Speaker be authorized to appoint one more Journal page with the same pay as chief Journal page.

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Mr. Wysong asked unanimous consent to take up House Bill No. 41, out of its regular order for consideration,

Which was not given, Mr. Hall objecting.

Mr. Wysong then moved that House Bill No. 41 be taken up out of its regular order for consideration.

Which motion did not prevail.

'A message from the Senate, by Mr. Hunter, announced the concurrence of that body in the passage of

House Bill No. 136—"A Bill amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof,' and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven, and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'an act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.' "

And,

House Bill No. 137—"A Bill to amend and re-enact chapter two of the acts of one thousand nine hundred and five, and chapter one of the acts of one thousand nine hundred and seven of the legislature of West Virginia, amending the charter of the city of Benwood, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof."

On motion of Mr. Starcher, the House adjourned.

THURSDAY, FEBRUARY 6, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday.

On motion of Mr. Weiss, the further reading thereof was dispensed with.

The hour having arrived for the announcement of the vote, on the motion of Mr. Godfrey, on yesterday, that

House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

Take effect from its passage,

Thereupon,

The Clerk announced the vote.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Vaughn, Weiss, Williams (of Pleasants) and Wysong—72.

The noes were:

Messrs. Cosner, Ferguson, Harvey, Hickman, Mollohan, Rankin and Twyman—7.

Absent and not voting:

Messrs. Coberly, Cox, Kern, Lantz, Neale (of Cabell), Otto, Peck, Sarver, Scott, Summers, Thomas, Vanmeter, Williams (of Ohio) and Wolfe, (Speaker)—14.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 125) takes effect from its passage.

Ordered, That Mr. Godfrey communicate to the Senate the passage of the bill and request concurrence therein.

A message from the Senate, by Mr. Staats, announced the passage by that body of

Senate Bill No. 182—"A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire

land by condemnation or otherwise, not to exceed ten acres, for district high school purposes, and authorizing a special levy to pay for same."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Stewart, announced the passage by that body of

Senate Bill No. 161—"A Bill to authorize the county court of the county of Marion to establish and maintain a county law library."

And asked the concurrence of the House therein.

On motion of Mr. Pridemore, indefinite leave of absence was granted to Mr. Stover

On motion of Mr. Rouss, indefinite leave of absence was granted to Mr. Mollohan.

On motion of Mr. Moore, Chairman of the Committee on the Judiciary, permission was granted to the Chairman, one member of the majority and one member of the minority of said Committee to retire from the floor of the House, for the purpose of further hearing of the Sturgiss' matter.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 4)—"An Act to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia relating to compensation of commissioners."

Also,

(S. B. No. 14)—"An Act to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three as amended by section one, of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four of chapter twenty-seven of the acts of the legislature of West Virginia of one thousand nine hundred and seven, as amended by section four of chapter five of the extra session of the acts of the legislature of West Virginia of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia."

Also,

(S. B. No. 18)—“An Act to amend and re-enact chapter nine of the acts of the legislature of West Virginia, session one thousand nine hundred and fifteen, granting a charter to the city of Bluefield.”

Also,

(S. B. No. 25)—“An Act to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia, of one thousand eight hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia.”

Also,

(S. B. No. 32)—“An Act to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterward bring a second cause of action against them.”

Also,

(S. B. No. 43)—“An Act to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion.”

And,

(S. B. No. 44)—“An Act to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion.”

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the fifth day of

February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 18)—“An Act to amend and re-enact chapter nine of the acts of the legislature of West Virginia, session one thousand nine hundred and fifteen, granting a charter to the city of Bluefield.”

Also,

(S. B. No. 25)—“An Act to amend and re-enact sections four and seven of chapter fifty-seven of the acts of West Virginia, of one thousand eight hundred and ninety-five, relating to the independent school district of Wellsburg, in the county of Brooke and state of West Virginia.”

Also,

(S. B. No. 32)—“An Act to amend and re-enact section fifty-two of chapter one hundred and twenty-five of the code relating to the time and manner of taking judgments where all or a part of the defendants are served with process, and the effect of the discontinuance of the action as to those not served, and the right to afterward bring a second cause of action against them.”

Also,

(S. B. No. 4)—“An Act to amend and re-enact section three of chapter one hundred and thirty-two of the code of West Virginia relating to compensation of commissioners.”

Also,

(S. B. No. 43)—“An Act to abolish the intermediate court of the county of Marion, and to provide for the transfer of the records and proceedings therein to the circuit court of said county of Marion.”

Also,

(S. B. No. 44)—“An Act to create a court of limited jurisdiction for the trial of felonies, misdemeanors and offenses within and for the county of Marion.”

And,

(S. B. No. 14)—“An Act to amend and re-enact section four of chapter eighteen of the acts of the legislature of West Virginia of one thousand eight hundred and ninety-three as amended by section one, of chapter fourteen of the acts of the extraordinary session of the legislature of West Virginia of one thousand nine hundred and four, as amended by section four of chapter twenty-

seven of the acts of the legislature of West Virginia of one thousand nine hundred and seven, as amended by section four of chapter five of the extra session of the acts of the legislature of West Virginia of one thousand nine hundred and eight, concerning the salary of the judge of the criminal court of Mercer county, West Virginia."

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(H. B. No. 16)—"An Act to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state."

Also,

(H. B. No. 35)—"An Act authorizing the board of education of Union independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district."

Also,

(H. B. No. 38)—"An Act to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county."

Also,

(H. B. No. 45)—"An Act to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county, under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

Also,

(H. B. No. 70)—“An Act to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library.”

And,

(H. B. No. 82)—“An Act to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and graded school building, at Montgomery.”

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the fifth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 16)—“An Act to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state.”

Also,

(H. B. No. 35)—“An Act authorizing the board of education of Union independent school district, in the county of Marion, to issue bonds for the purpose of providing a high school for said district.”

Also,

(H. B. No. 38)—“An Act to amend and re-enact sections nine and eleven of chapter twenty-eight, of the acts of the legislature of one thousand nine hundred and seven, as amended and re-enacted by chapter one hundred and twelve, of the acts of the legislature of one thousand nine hundred and fifteen, relating to the criminal court of McDowell county.”

Also,

(H. B. No. 45)—“An Act to authorize the county court of McDowell county to establish and maintain a dental clinic, for all resident children in said county, under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to

purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic."

Also,

(H. B. No. 70)—"An Act to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library."

And,

(H. B. No. 82)—"An Act to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and graded school building, at Montgomery.

Whereas, it is represented to the legislature on behalf of the board of education of Kanawha district, Fayette county, that they have at their disposal \$35,000.00, and that they are in need of school buildings, which will cost at least \$100,000.00, in order to accommodate the students of the town of Montgomery and Kanawha district."

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

HOUSE JOINT RESOLUTION NO. 7.

"Authorizing and directing the public health council to issue to Dr. W. R. Bond, of Selbyville, Upshur county, West Virginia, a certificate to practice medicine and surgery in the state of West Virginia, and giving him authority to practice thereunder."

WHEREAS, the said Dr. W. R. Bond had, prior to the enactment of chapter eleven of the acts of the legislature of one thousand nine hundred and fifteen (regular session) practiced medicine in said state for more than twelve years, during which period he had been an ethical practitioner; therefore, be it

Resolved, by the legislature of West Virginia, That the public health council constituted by said act be, and the said council is hereby empowered and directed to register the said Dr. W. R. Bond as a licensed physician, and to issue to him a certificate, without examination, authorizing him to practice medicine and surgery

in the state of West Virginia upon his filing with the secretary of said council an affidavit showing his name, age and place of residence, and that he had practiced medicine for more than twelve years prior to the passage of said act; *provided*, said affidavit shall be filed with the secretary of said council within six months from the adoption of this resolution. And from and after the issuance to him of said certificate as herein provided, he shall be lawfully entitled to continue the practice of medicine and surgery anywhere.

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. C. HOWARD, *Chairman*.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Cosner, Ferguson, Flitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—64.

The noes were:

Messrs. Anderson, Kuykendall and Thurmond—3.

Absent and not voting:

Messrs. Bannister, Coberly, Coleman, Coon, Cox, Cunningham, Cuppett, Grove, Hale, Hickman, Kern, Lantz, Mollohan, Moore, McCauley, Neale (of Cabell), Nutter, Otto, Peck, Sarver, Scott, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—26.

Ordered, That Mr. Hilleary communicate to the Senate the adoption of the resolution (H. J. R. No. 7) and ask concurrence therein.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 240—"A Bill to create in the department of state tax commissioner a division to be known as the 'division of industrial induction.'"

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

House Bill No. 240, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. John, from the Committee on the Roosevelt Memorial Services, submitted the following report, which was received:

The House and Senate Committees on arrangements for the services to be held in memory of the late Theodore Roosevelt, former President and distinguished citizen of the United States, reports that the Committees prepared a program of a public meeting as follows:

Date—February 9, 1919, at 3 P. M.

Place—Burlew Theatre, Charleston.

Prayer—Rev. Albert Evans, Kanawha Presbyterian Church.

Address—His Excellency, John J. Cornwell, Governor of West Virginia.

Music.

Address—Hon. Philander C. Knox, United States Senator from Pennsylvania.

Respectfully,

WM. S. JOHN,

Chairman House Committee.

Mr. Brammer presented the petition of the teachers of Union district, Cabell county, praying "for a substantial increase in teachers' salaries, with an adequate levy to provide for same, and also for a workable compulsory attendance law."

Referred to the Committee on Education.

Mr. Hall presented the petition of W. H. Wyatt and eleven other teachers of Masontown, West Virginia, and the petition of Lena E. Horner and seven other teachers and patrons of Center district schools, of Wileyville, West Virginia, praying for the enactment of the proposed school code, in its entirety.

Referred to the Committee on Education.

Mr. Pettigrew presented the petition of Frances L. Fox and fourteen other teachers of Big Sandy district, of Kanawha county, praying for the enactment of the proposed school code, in its entirety

Referred to the Committee on Education.

Mr. Hays presented the petition of Harry D. Wilfong, President, and nineteen members of the senior class of the Glenville normal school, of Glenville, West Virginia, favoring the enactment of the proposed school code.

Referred to the Committee on Education.

Mr. Vaughn presented the petition of P. E. King, Amanda Abbott and W. L. Naylor, Committee for the teachers of Grafton city schools, Grafton, West Virginia, favoring the enactment of the proposed school code.

Referred to the Committee on Education.

Mr. McVey presented the communication of the chamber of commerce, of Montgomery, West Virginia, and the petition of K. B. Richardson and seventy-nine other teachers of Falls district, Fayette county, West Virginia, favoring the enactment of the proposed school code.

Referred to the Committee on Education.

Mr. Miller presented the petition of H. J. Reapp, acting secretary-treasurer, and twenty other members of Fairmont typographical union No. 804, of Fairmont, West Virginia, favoring the enactment of the proposed school code.

Referred to the Committee on Education.

Mr. Rouss presented communication of Logan B. Shutt and twenty-three other farmers and land owners of Jefferson county, protesting against any change in the present fertilizer law now in effect in this state.

Referred to the Committee on Immigration and Agriculture.

Mr. Harvey offered the following resolution:

Resolved, That the names and addresses, by postoffice and county, of all attachees now appointed by this House, and the per diem received by each, be printed in the Journal of the proceedings of today, and the Clerk be so directed.

Which, under the rules, lies over one day.

Mr. John presented four petitions of teachers and patrons of the Morgan district schools, Monongalia county, West Virginia, favoring the enactment of the proposed school code.

Referred to the Committee on Education.

The following bills were introduced, on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Hall:

House Bill No. 257—"A Bill fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia."

Reference to committee dispensed with and ordered placed on special calendar.

By Mr. Richards (by request):

House Bill No. 258—"A Bill to amend and re-enact sections fifty-a, twenty-eight-b one, fifty-b, twenty-eight-b two, fifty-h, twenty-eight-b eight, fifty-l, twenty-eight-b twelve, fifty-y, twenty-eight-b, twenty-nine of chapter three of Hogg's code, of West Virginia relating to primaries and convention nominations, and providing for the ascertainment and publication of the results thereof."

Referred to the Committee on the Judiciary.

By Mr. Pedigo (by request):

House Bill No. 259—"A Bill to amend and re-enact section two hundred and nineteen of chapter fifty of the code of West Virginia."

Referred to the Committee on the Judiciary.

By Mr. Shomo:

House Bill No. 260—"A Bill to provide for the proper care and beautifying of abandoned rural cemeteries."

Referred to the Committee on Taxation and Finance.

Mr. Ferguson offered the following resolution:

HOUSE JOINT RESOLUTION No. 9—"Authorizing the state board of health to issue to Frank H. Fry, of Stiltner, Wayne county, West Virginia, a license to practice medicine and surgery."

WHEREAS, Frank H. Fry has been engaged in the practice of medicine for fifteen years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said Frank H. Fry is a respectable, honorable and intelligent citizen of said county of Wayne, which is attested by a petition of more than eight hundred citizens and tax payers residing in the section where said Fry has been practicing, and which said petition shows that there is not any practicing physician within a radius of eight miles, and

WHEREAS, The said Frank H. Fry is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, The said Frank H. Fry is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, by the legislature of West Virginia, That the state board of health, be and it is hereby authorized and requested to issue to the said Frank H. Fry a license to practice medicine and surgery,

in all their branches, within this state, from and after the passage of this resolution.

Referred to the Committee on Medicine and Sanitation.

Mr. Cosner offered the following resolution:

HOUSE JOINT RESOLUTION NO. 10.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to M. W. Hefner of Burnsville, West Virginia, a license to practice law in the courts of said state."

WHEREAS, M. W. Hefner of Burnsville, West Virginia, is known and recognized to be a gentleman of good moral character and over twenty-one years of age, and a citizen of said state, having resided at Burnsville, in said state all of his life, and

WHEREAS, The said M. W. Hefner has practiced law before justices of the peace for a period of thirty years in his own county and the counties of Gilmer and Lewis as well as to have been sponsor of cases that have gone through all the courts of the state, and is recognized as being a lawyer of at least average ability, though he does not have the educational requirements that would permit him to pass the bar examination as prescribed by the faculty of the West Virginia law school of the university of said state, and having arrived at an age and being at the head of a family that demands his attention and care, it would be unwise for him at this time to spend a long term in school compiling the phrases and text-book definitions necessary to pass the examination, and

WHEREAS, The said M. W. Hefner is recognized as having sufficient general knowledge of the law as well as splendid ability to practically apply the law in the trial of cases, and is known and recognized as a good trial lawyer; therefore, be it

Resolved, by the legislature of West Virginia, the Senate and House of Delegates both concurring therein, That the supreme court of appeals of West Virginia be required to issue to the said M. W. Hefner a license to practice law in the courts of this state.

Referred to the Committee on the Judiciary.

Mr. Summers offered the following resolution:

HOUSE JOINT RESOLUTION NO. 11.

"Authorizing the state board of health to issue E. D. Hamrick, Clay county, West Virginia, a license to practice medicine and surgery."

WHEREAS E. D. Hamrick has been engaged in the practice of medicine for fifteen years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said E. D. Hamrick is a respectable, honorable and intelligent citizen of said county of Clay; and

WHEREAS, The said E. D. Hamrick is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, The said E. D. Hamrick is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, by the legislature of West Virginia, That the state board of health, be and it is hereby authorized and requested to issue to the said E. D. Hamrick a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

Referred to the Committee on Medicine and Sanitation.

House Bill No. 14—"A Bill pertaining to the public health."

With amendments proposed by the Senate, coming up in regular order for consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The bill, as amended, was then passed with its title.

On the passage of the bill, as amended,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—70.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Coberly, Coon, Cox, Cuppett, Grove, Hamilton, Kern, Lantz, Mollohan, Moore, McCauley, Neale (of Cabell), Nutter, Otto, Parsons, Sarver, Scott, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—23.

Ordered, That Mr. Cunningham communicate to the Senate the action of the House of Delegates.

Mr. Kuykendall in the Chair.

Senate Bill No. 12—"A Bill to repeal sections twenty-nine, thirty and thirty-one of chapter thirty-nine, sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, that part of twenty-eight that refers to levies beginning with the words 'provided further' and ending with the words 'taxable property,' twenty-nine, all of sub-divisions 'd' and 'e' in thirty, forty, forty-one, and forty-nine of chapter forty-five and sections thirty, thirty-one and thirty-one-a of chapter forty-seven of the 'West Virginia code, one thousand nine hundred and sixteen,' and sections twenty-two and thirty-one of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to amend and re-enact chapter twenty-eight-a of the 'West Virginia code, one thousand nine hundred and sixteen,' relating to the rate and manner of laying levies for taxation in counties, magisterial districts, independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general fund."

With amendments proposed by the House, coming up in regular order for consideration.

On motion of Mr. McClintic, the House refused to recede from amendments proposed by it, and asked for a conference.

Ordered, That Mr. Parsons communicate to the Senate the action of the House of Delegates.

The hour of 11 o'clock, A. M., having arrived,

House Bill No. 106—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, sixty-four, ninety-seven, one hundred five, one hundred seven, one hundred nine, one hundred twenty, one hundred twenty-one, one hundred thirty, and adding sections forty, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred four, of chapter thirty-two of Barnes' code, one thousand nine hundred and eighteen, relating to regulations respecting licenses and license taxes."

On second reading,

Which was made a special order for that hour, was taken up for consideration, and read a second time.

On motions of Mr. McClintic, severally made, the bill was amended as follows:

On page four, section one, by striking out, in line two, the following words: "(a) keep a hotel, or tavern, eating house, or restaurant; or".

On same page, same section, by striking out, in line five, the words "generally in two or more counties".

On pages eleven and twelve by striking out all of section sixty-four.

Mr. Starcher moved to amend the bill on page twelve, by striking out all of section ninety-seven.

Mr. John offered the following substitute amendment for the amendment proposed by Mr. Starcher: On page twelve, section ninety-four, line four and five, by striking out the words "two hundred dollars" and inserting in lieu thereof the words "one hundred dollars", and by adding after the word "annually" the words "for each county in which such business is carried on".

Thereupon,

Mr. Starcher accepted the substitute amendment proposed by Mr. John.

On motion of Mr. Brand, the substitute amendment was amended by striking out the words "one hundred" and inserting in lieu thereof the word "fifty".

The question recurring upon the adoption of the substitute amendment, as amended, proposed by Mr. John, the same was put by the Chair and prevailed.

Mr. Swisher moved to amend the bill on page seven, section one, line eighty, by inserting after the word "agency" by adding the words "no attorney, doctor or preacher shall engage in his profession except upon payment of an annual license of one hundred dollars".

Which motion did not prevail.

Mr. Brand moved to amend the bill on page twelve, section one hundred and seven, by striking out after the word "dollars" the remainder of the section, and inserting in lieu thereof the following:

"The term money brokers shall include every person, firm or corporation (other than a regularly organized state or national bank, or building and loan association) that is engaged in the business of lending money on real or personal property, discounting paper, cashing time, or purchasing and selling government or state bonds, or other government or state securities, or is engaged in any business of similar character."

Which motion did not prevail.

On motion of Mr. Richards, the bill was amended on page thirteen, section one hundred and seven, line five, inserting after the word "money" the words "for another".

On motion of Mr. Twyman, the bill was amended on page five, line forty-two, by inserting after the word "or" sub-section-*m* (1), "give away cigarette paper or wrappers; or"

On motion of Mr. John, the bill was amended on page nine, section thirty-five, lines two and three, by striking out the words "hotel or tavern, eating house, or restaurant; or".

Mr. Neal (of Webster), moved to amend the bill on page five, section one, in line forty-one, after the word "manufactured" by striking out the words "tobacco, snuff and cigars".

Which motion did not prevail.

On motion of Mr. McClintic, the House recessed until 2:00 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

The Speaker *pro tempore* resumed the Chair.

Unanimous consent being given, the following bill was introduced on motion for leave, read by its title and referred to the appropriate committee:

By Mr. Shomo:

House Bill No. 260--"A Bill to provide for the proper care and beautifying of abandoned rural cemeteries."

Referred to the Committee on Taxation and Finance.

Unanimous consent being given, Mr. Moore offered the following resolution:

WHEREAS, The Committee on the Judiciary in the resolution authorizing it to make inquiry into the matter of the charges of William E. Glasscock and others against George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia was not empowered or clothed with any power or authority in said resolution to punish for contempts committed in the presence of the committee or so near thereto as to obstruct, impede, interfere or thwart the efforts of its inquiry, and

WHEREAS, It now appears necessary to clothe and empower the said Judiciary Committee with such power and authority to be exercised by it through its Chairman, a majority of the members agreeing thereto, to punish for contempts committed either in its

presence or so near thereto as to obstruct, impede, interfere or thwart the efforts of its inquiry; now, therefore, be it

Resolved, by the House of Delegates, That its Judiciary Committee be and it is by this resolution empowered and clothed with plenary power and authority to punish for contempts committed within its presence or so near thereto as to obstruct, impede, interfere or thwart the efforts of its inquiry, and any person so offending may be fined or imprisoned, or both, whichever to the Committee may seem proper in the premises, but any imprisonment imposed shall not be for a longer term than the present session of the legislature. Any person adjudged guilty of any such contempt shall have the right of appeal to the House of Delegates.

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

Unanimous consent being given,

Mr. Moore from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 198—"A Bill fixing the annual allowance to the clerks of the circuit and county courts of Morgan county."

And,

House Bill No. 157—"A Bill to amend and re-enact section eighteen and section one hundred and twenty-nine of chapter twenty-nine of the code of West Virginia, as last amended and re-enacted by chapter eighty of the acts of one thousand nine hundred and seven, abolishing boards of review and equalization and providing that the county courts of the several counties shall perform the functions of said boards."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 106, on second reading, pending amendments at the hour of the recess, was taken up for consideration.

On motions of Mr. Neal (of Webster), severally made, the bill was amended on page six, section one, line forty-six, by striking out the words "metallic, or other false knuckles"; on page seven, same section line eighty-four, by adding after the word "violation" the words "provided further that it shall be unlawful for any person to sell or keep for sale any metallic or other false knuckles".

The bill was then ordered to its engrossment and third reading.

The Chair requesting, and unanimous consent being given, the

speech of Honorable Randolph Harrison, Chairman of the Virginia Debt Commission, delivered in the hall of the House of Delegates, on Tuesday, February fourth, was ordered printed in the Journal, which is as follows:

Mr. Speaker and Gentlemen of the Legislature of West Virginia:

I wish to express my deep sense of the honor implied in your invitation to me, as the representative of Virginia, to address you concerning a matter which has long been a subject of controversy between the two states. I interpret your invitation to mean that you are desirous of learning to what extent Virginia can facilitate a final disposition of this controversy, and thereby relieve the court of further duty in the premises. You are right in assuming that Virginia is anxious to bring about this result and stands ready to facilitate it by any reasonable concession that may be demanded of her.

Inasmuch as many of you may be more or less unfamiliar with the past history of this controversy, it may be of interest for me to make a brief recital of the steps that have hitherto been taken in connection with it.

On the first day of February, one thousand nine hundred and five—fourteen years ago almost to the day—I had the privilege of addressing the legislature of West Virginia on the subject of the Virginia debt. My associates and I came then with a message from the mother state and we urged upon your representatives to join her in a friendly adjustment of West Virginia's liability. I then said:

“Virginia only appeals to you, not to let pass the present golden opportunity to finally dispose of the only remaining question in connection with her public debt. She earnestly hopes that her suggestion will commend itself to your good judgment, and that your legislature will authorize the appointment of commissioners with power to co-operate with us in stating the account between the two states. If, however, your action shall be unfavorable, Virginia will feel that she has done her duty, and that responsibility for the consequences will not lie at her door.”

Our appeal was in vain. I recall, as a notable instance, that among the few members of your body who were in favor of accepting Virginia's invitation to adjust the matter out of court was your present governor, then a member of your Senate. Your public men at that time gave us to understand that the people of West Virginia would never be satisfied to pay any part of the Virginia debt unless the liability of your state was adjudicated by the

supreme court of the United States; that if that court should hold that West Virginia was liable, the people of West Virginia would recognize their duty to pay such amount as might be found by the court to be due and would make provision for it without question. Litigation, therefore, being the only alternative, suit was entered and after long years of patient investigation the supreme court of the United States has ascertained that West Virginia is liable for a just proportion of the debt of Virginia and has fixed her liability, including interest on the principal sum so found to be due, at \$12,393,929.50, and has entered a decree against her for that amount in favor of Virginia, with interest at five per cent. from July 1, 1915.

It will interest you to know that the share which Virginia has paid and assumed to pay on account of her public debt since January 1, 1861, is principal \$13,717,914.59, and of interest \$45,270,115.81, or a total principal and interest of \$58,988,030.40, while her new bonds, issued and outstanding on account of said indebtedness, amount to about \$24,000,000.00, or a total, paid and to be paid, of \$83,000,000.00.

A distinguished citizen of West Virginia, the late Judge Mason, in a letter to Governor Dawson, of May 9, 1908, expressed his satisfaction at having the question of West Virginia's liability referred to the supreme court of the United States for adjudication, as follows:

"I know of no body of men to whom this controversy can be submitted with such confident assurance that it will be fairly, properly and justly settled as to the supreme court of the United States."

The court itself has testified to the care with which it sought to investigate the questions involved in the controversy and to reach a righteous judgment in the following extract from its latest opinion:

"The opinions referred to (the several opinions delivered in the case) will make it clear that both states were afforded the amplest opportunity to be heard, and that all the propositions of law and act alleged were given the most solicitous consideration. Indeed, it is also true that in the course of the controversy, as demonstrated by the opinions cited, controlled by great consideration for the character of the parties, no technical rules were permitted to frustrate the right of both of the states to urge the very merits of every subject deemed by them to be material."

And the court expressed its own confidence in the very right and justice of its decision as follows:

"We have searched the record in vain for any indication that the assumed existence of any error committed has operated to prevent the discharge by West Virginia of the obligations resulting from the judgment."

The liability of West Virginia for a part of the debt of Virginia grows out of the dismemberment of Virginia and is coincident with the birth of the new state. When she separated from the mother state she incorporated in her constitution a solemn promise to bear a just proportion of the debt of the old commonwealth which she had, herself, helped to create, and stipulated that her legislature should provide for the payment of the same. On the faith of that promise, congress admitted the new state into the Union. The record in this case fully attests the accuracy of that statement. Senator Willey, one of West Virginia's worthies who participated in the formation of the new state, declared that the promise made by himself and his associates on behalf of West Virginia, to bear her share of Virginia's public debt, was made in absolute good faith and that on the strength of that promise West Virginia was admitted into the Union, as is shown by the following extract from his letter to Senator Sherman (all of which appears in the record):

"I say to you now what I have said to the people of West Virginia, that but for that clause in her constitution the state would never have been admitted. I say further, that in my opinion no honest man, or honest party in West Virginia, or out of it, will deny the obligation of West Virginia to pay an equitable part of the debt of Virginia."

In the light of these indisputable facts, the court declared that the liability of West Virginia was founded in a deep-seated equity," and in referring to the basis of the judgment rendered in this case, the court, speaking through its great chief justice, said:

"The judgment which resulted was for \$12,393,929.50, with interest, and it was based upon three propositions specifically found to be established; first, that when territory was carved out of the dominion of the state of Virginia for the purpose of constituting the area of the state of West Virginia, the new state, coincident with its existence, became bound for and assumed to pay its just proportion of the previous public debt of Virginia. Second, that this obligation of West Virginia was the subject of a contract between the two states, made with the consent of congress. and was incorporated into the constitution by which West Virginia

was admitted by congress into the Union, and therefore became a condition of such admission and a part of the very governmental fiber of that state. Third, that the sum of the judgment rendered constituted the equitable proportion of this debt due by West Virginia in accordance with the obligations of the contract."

In other words, her promise to bear a just proportion of the public debt of Virginia was the price West Virginia paid for statehood.

Soon after the war the legislature of Virginia adopted a resolution appealing to West Virginia to forget the past and proposing a reunion of the two states. This invitation was declined by West Virginia in a resolution adopted by her legislature on the 28th of February, 1867, which declared that the citizens of West Virginia "regard their separate state existence of the most vital importance to them and are unalterably opposed to a reunion with the state of Virginia." That is, West Virginia was satisfied with the bargain she had made by which she acquired her political existence.

The court to which West Virginia referred the question of her liability having decreed against her, the question arises is there any further defense open to West Virginia on the merits, and, if not, what obligation is imposed upon her by the judgment of the court? As to the present status of the case, I cannot do better than to refer you to the conclusions of the special counsel for West Virginia, expressed in his letter of May 6, 1918, to the members of the West Virginia debt commission. In referring to the latest opinion of the court, he says:

"In the first place, West Virginia's indebtedness to Virginia and the amount thereof is treated as irrevocably foreclosed in consequence of the judgment rendered against her on the 14th day of June, 1915. In the second place, it is held that a judgment rendered against a state may be enforced against it as such under the constitution, even if it be necessary in so doing to exert authority over the governmental powers and agencies possessed by the state. And, in the third place, it is said that congress may provide necessary machinery to that end or the court may enforce such judgment by appropriate existing remedies."

I take this occasion to say that none of the able and distinguished counsel who has appeared for West Virginia in this case has represented her interests with greater zeal and ability than Judge John H. Holt.

West Virginia's indebtedness to Virginia, therefore, and the amount thereof being irrevocably foreclosed by the judgment of

the highest court in the land, what obligation does that judgment impose upon West Virginia? Manifestly, the obligation to discharge it—an obligation which the court characterizes as a “plain duty resting upon West Virginia under the constitution.” West Virginia having failed to provide for the discharge of this obligation, the duty devolved upon Virginia to appeal to the court to enforce its decree. The court, in its opinion, delivered in April, 1918, ordered a re-argument of that question at the next term after the February recess. The purpose of the court in thus deferring action is plainly indicated in the following extract from its opinion:

“We are fain to believe that if we refrain now from passing upon the question stated, we may be spared in the future the necessity of exerting compulsory power against one of the states of the Union to compel it to discharge a plain duty resting upon it under the constitution.”

The question and the only question before you now is, will you, as the representatives of the people of West Virginia, make provision to discharge this obligation, or will you ignore the court and disappoint its expectations and invite it to exert compulsory power against your state to force a compliance with what the court has declared to be “a plain constitutional duty?”

The West Virginia debt commission, desiring to negotiate favorable terms of settlement with a view of recommending them to you, sought a conference with the Virginia commission which resulted in a meeting between the two commissions in the city of Washington on the 14th of November, 1918, at which terms of settlement were informally but fully discussed, and a basis of settlement was subsequently reached which afforded liberal terms to West Virginia, and which the Virginia commission were constrained to believe would meet the approval of the West Virginia commission. It appears from the report of the West Virginia commission filed on the 17th of January, 1919, that the basis of settlement agreed upon failed to receive their approval because of “one obstacle,” which “upon consideration of details” appeared to the commission “insurmountable.” I am informed that you have been advised that the general terms agreed upon were that West Virginia should make a comparatively small payment in cash and discharge the balance in bonds bearing three and one-half per cent. interest payable semi-annually, payment of which should be spread over a period of twenty years so as to enable West Virginia within that period to retire the bonds in easy instalments. These terms were accepted by the Virginia commission, notwith-

standing the fact that the low rate of interest agreed upon seriously impaired the market value of the security. These terms were further favorable to West Virginia in that they afforded her the opportunity to go into the market and buy up her bonds if selling below par, while she would always be able to call the amount to be retired, annually, at par and interest in any event.

The "obstacle" referred to in the report of the West Virginia commission, I am informed, was a suggestion or proposal that bonds should be held in the treasury of West Virginia or in escrow *during the life of the bonds* sufficient in amount to cover the so-called West Virginia certificates not now deposited with the Virginia commission. These certificates impose no liability upon West Virginia, nor is West Virginia under any liability to see to the application of the money when paid. Her duty will have been fully performed when she satisfies the judgment, and the proposal, therefore, not only has no legitimate bearing upon the question of the settlement of the judgment, but it involves practical difficulties which would seriously embarrass a settlement. However, the Virginia commission does not desire to throw any obstacle in the way of a settlement; on the contrary, in their earnest efforts to facilitate a settlement they have agreed, with one exception, to the terms proposed by the West Virginia commission. If, therefore, the point suggested is deemed of sufficient importance to constitute an abstacle in the way of your making provision for the settlement of the decree, the Virginia commission will waive its objections to the point in order that the end in view may be accomplished. As the terms of the settlement, therefore, can be relieved of the obstacle referred to, I venture to hope that they will commend themselves to your good judgment and that you will carry them into effect by appropriate legislation.

Pursuant to the resolution from the Committee on Rules, adopted on yesterday, the Speaker announced the appointment of Virgil Frizzell as assistant Journal page, and the Clerk announced the appointment of G. W. Hays, as assistant to the Committee on Enrolled Bills.

House Bill No. 59—"A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto."

On third reading, coming up in regular order for consideration, was read a third time.

Pending the discussion of the bill,

Mr. Pettigrew moved the previous question,

The question prevailing, the Speaker propounded the main question: "Shall the bill be passed?"

On the passage of the bill with its title.

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Périn, Pettigrew, Shaw, Shomo, Spangler, Starcher, Sturm, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—65.

The noes were:

Messrs. Anderson, Bland, Hersman, Kuykendall, McClaren, McVey, Pridemore, Rankin, Richards, Summers, Swisher and Thurmond—13.

Absent and not voting:

Messrs. Coberly, Cox, Harvey, Lantz, Mollohan, Neale (of Cabell), Otto, Rouss, Sarver, Scott, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—15.

Ordered, What Mr. John communicate to the Senate the passage of the bill (H. B. No. 59) and ask concurrence therein.

Unanimous consent being given, Mr. Nutter introduced, on motion for leave, the following bill, which was read by its title:

By Mr. Nutter:

House Bill No. 261—"A Bill allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon."

On motion of the same gentleman, reference of the bill to a committee was dispensed with, and it was ordered to its first reading.

On motion of Mr. John, seconded by Mr. Moore, the action of the House in the passage of

House Bill No. 117—"A Bill to make gas pipe lines public service corporations and common carriers within this state."

On yesterday, was reconsidered, and

Ordered that the Senate return the bill to the House.

A message from the Senate, by Mr. Duty, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 5—"A resolution calling on the 'New Virginia Debt Commission' of West Virginia, to make further report to the Senate and House of Delegates, relating to its negotiations with the Debt Commission of Virginia, relative to the adjustment of all matters in difference involved in the suit between the two states, out of court, and recommended to the legislature what action should be taken in said matter."

WHEREAS, By an act of the legislature of West Virginia, passed February twenty, one thousand nine hundred and fifteen, effective from passage, and approved by the governor, February twenty-six, one thousand nine hundred and fifteen, a "New Virginia Debt Commission" was authorized and constituted, and its powers therein distinctly defined; and,

WHEREAS, Section two of the aforesaid act, reads as follows: 'Said commission in conjunction with the attorney general is authorized and directed to defend the case of the commonwealth of Virginia against the state of West Virginia, now pending in the supreme court of the United States, as well as any other litigation that may spring out of said controversy, and is now fully authorized and empowered to do any and everything which in its judgment or discretion may be deemed necessary or best to that end; and it is likewise authorized, in the event a proper opportunity should present itself, to negotiate a settlement of said controversy, subject, however, to the ratification of the legislature of the state of West Virginia;" and,

WHEREAS, It appears from the argument of the attorneys and advocates of each state that some agreement was made, or some proposition at least proposed, by the commissions of the two states, relative to the adjustment of said difference, out of court; and,

WHEREAS, The legislature of West Virginia desires the official opinion and recommendation of the New Virginia Debt Commission of West Virginia, instead of the private opinion of its members; therefore, be it

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

That the New Virginia Debt Commission, as soon as convenient, make further report to the legislature of this state, answering the following:

1. Was there an agreement between the commissions of the two states as to the amount West Virginia should pay to the state of Virginia, and how the same was to be paid?

2. If any such agreement was made, does the commission recommend the ratification and execution of said agreement by the legislature of this state? And be it

Resolved, That the legislature of this state withhold all action relating to the Virginia debt in abeyance until the incoming of the further report of the commission; and be it

Further resolved, That upon the adoption of this resolution, the sergeant-at-arms of the Senate, forthwith, serve each member of the New Virginia Debt Commission of this state with a copy of the same.

And asked the concurrence of the House therein.

On motion of Mr. Weiss, unanimous consent being given, the resolution was taken up for immediate consideration.

Mr. Hall moved to amend the resolution by striking out the following:

"Resolved, That the legislature of this state withhold all action relating to the Virginia debt in abeyance until the incoming of the further report of the commission."

Mr. Kuykendall moved to amend the amendment by adding the following:

"And be it further Resolved, That said West Virginia Commission be requested to report to the Senate and House of Delegates, not later than February twelve, one thousand nine hundred and nineteen, and,

Resolved, further, That failure on the part of said commission to make report within said time shall be considered as a refusal on the part of said commission to make any recommendation."

Which amendment to the amendment did not prevail.

The question recurring upon the adoption of the amendment proposed by Mr. Hall,

On that question,

Mr. Kern demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bland, Bray, Calhoun, Cosner, Ferguson, Hall, Harvey, Hays, Kern, Kuykendall, Lester, Miller, McCauley, Neal (of Webster), O'Connor, Peck, Rouss, Summers and Thurmond—19.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—57.

Absent and not voting:

Messrs. Coberly, Cox, Fitch, Grove, Hale, Hamilton, Hilleary, Lantz, Mollohan, Neale (of Cabell), Otto, Sarver, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—17.

So, a majority of the members present not having voted in the affirmative, the amendment did not prevail.

The question recurring upon the adoption of the resolution,

On that question,

Mr. Hays demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Moore, Morris, Moulds, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Shaw, Shomo, Spangler, Starcher, Sturm, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants) and Wysong—55.

The noes were:

Messrs. Bland, Bray, Calhoun, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lester, Miller, McCauley, Neal (of Webster), O'Connor, Peck, Rouss, Scott, Summers and Thurmond—21.

Absent and not voting:

Messrs. Bannister, Coberly, Cox, Hersman, Lantz, Mollohan, Moran, Musser, Neale (of Cabell), Otto, Sarver, Stover, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—17.

So, a majority of the members present having voted in the affirmative, the resolution was adopted.

Ordered, That Mr. Weiss communicate to the Senate the concurrence of the House in the adoption of the resolution (S. C. R. No. 5).

Pursuant to the order of the House,

House Bill No. 117—"A Bill to make gas pipe lines public service corporations and common carriers within this state."

Was returned from the Senate.

Mr. John moved that the House reconsider the vote by which the bill was passed on yesterday.

Pending the discussion of which,

Mr. Twyman moved the previous question,

The question prevailing, the Speaker propounded the main question: "Shall the vote by which House Bill No. 117 was passed be reconsidered?"

On that question,

Mr. John demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Taylor, Twyman, Vaughn, Weiss and Wysong—71.

The noes were:

Messrs. Anderson, Hersman, McClaren, Pridemore, Rankin, Richards, Swisher and Thurmond—8.

Absent and not voting:

Messrs. Coberly, Cox, Lantz, Mollohan, Neale (of Cabell), Otto, Sarver, Stover, Summers, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—14.

So, a majority of the members present having voted in the affirmative, the vote by which House Bill No. 117 was passed, was reconsidered, and

Thereupon,

On motion of Mr. Starcher, the bill (House Bill No. 117) was laid on the table.

A message from the Senate, by Mr. Burr, announced the adoption by that body of, and requested the concurrence of the House in,

SENATE JOINT RESOLUTION NO. 13.

"Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the pre-eminent location for such sanitarium."

WHEREAS, The close of the world's war finds many soldiers of the armies of the United States of America incapacitated on account of rheumatism, diabetes and kindred diseases contracted in the discharge of their patriotic duty; and

WHEREAS, The cure of such soldiers would relieve the government from the payment of hundreds of millions in compensations, would release thousands of men for the fields of peaceful industry and be a blessing to those, and their generation, who have suffered the horrors of warfare for their country's sake; and

WHEREAS, The water of the Berkeley Springs, in the state of West Virginia, is pre-eminently fitted for the cure of the aforesaid diseases and admirably located for access from the Atlantic seaboard and the national capital; and

WHEREAS, The congress of the United States of America has recently appropriated the sum of fourteen millions, five hundred thousand dollars for the purpose of constructing and equipping buildings suitable for the treatment of the physical disabilities of soldiers; therefore, be it

Resolved, by the legislature of West Virginia, That a committee of five be appointed from the Senate and House, two by the President of the Senate and three by the Speaker of the House, and that the governor of this state appoint a like number at large from the citizens of this state, the governor to be *ex-officio* chairman thereof, to represent to the secretary of war the advantages to accrue to the nation at large and its disabled defenders by the construction and maintenance of a suitable building at Berkeley Springs, in the state of West Virginia, for the treatment of invalid soldiers for such diseases as the water of said springs is a curative agent.

Also the concurrence by the Senate in the adoption of

HOUSE JOINT RESOLUTION No. 5

"Providing for the appointment of a joint committee by the Senate and House of Delegates to confer with a like committee appointed by the legislature of the state of Maryland, as to the feasibility, method and cost of acquiring or taking over any bridge or bridges connecting the said two states."

A message from the Senate, by Mr. Stewart, announced the passage by that body of

Senate Bill No. 201—"A Bill to authorize the state board of control to purchase, for the West Virginia Industrial School for Boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Scherr, announced the passage by that body of

Senate Bill No. 61—"A Bill to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen."

And asked the concurrence of the House therein.

On motion of Mr. Blizzard, unanimous consent being given, the bill was taken up for immediate consideration.

On the further motion of the same gentleman, the bill was then read a first time, reference to a committee dispensed with, and it was ordered to its second reading.

A message from the Senate, by Mr. Bloch, announced the passage by that body of

Senate Bill No. 92—"A Bill to authorize the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground to be used for the purpose of physical education of students of public schools."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Bloch, announced the passage by that body of

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."

To take effect from its passage, and asked the concurrence of the House therein.

A message from the Senate, by Mr. Stewart, announced the concurrence of that body in the passage of

House Bill No. 121—"A Bill to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown."

Mr. Harvey presented the petition of Van B. Hall and ten other members of the bar of Braxton county, favoring appropriate legislation granting to M. W. Hefner, of Burnsville, West Virginia, a license to practice law in this state.

Unanimous consent being given, Mr. Pettigrew offered the following resolution:

"*Resolved*, That the time of any one member shall not exceed ten minutes on any one subject, and three minutes in explaining his vote."

On motion of the same gentleman, the rules were suspended, and the resolution taken up for immediate consideration and adopted.

Unanimous consent being given, the following bills were introduced, on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Pettigrew:

House Bill No. 262—"A Bill to amend and re-enact section three, chapter one hundred and sixteen, Barnes' code, one thousand nine hundred and eighteen, relating to juries."

Referred to the Committee on the Judiciary.

By Mr. Kern:

House Bill No. 263—"A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the

children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividends and income from cash, stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."

Referred to the Committee on the Judiciary.

Mr. Grove moved to take up, for immediate consideration,

Senate Bill No. 157—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching approved methods of packing apples, peaches and other similar fruit."

Which motion did not prevail.

On motion of Mr. Swisher, the House recessed until 7:30 o'clock, P. M.

NIGHT SESSION

The House met at the expiration of the recess.

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Hackney, the bill was amended on page forty-eight, section forty-six, sub-section-c, beginning with the word "the" in line thirty-nine, by striking out all that follows down to and including the word "business" in line fifty-two, page forty-nine.

The bill, as amended, was then ordered to its engrossment and third reading.

House Bill No. 177—"A Bill to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

On motion of Mr. Pettigrew, the rules were suspended and House Bill No. 177.

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brammer, Byrnes, Calhoun, Capehart, Coleman, Coon, Cunningham, Ferguson, Fitch, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Lester, Mahan, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Pettigrew, Pridemore, Rankin, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—55.

The noes were:

Messrs. Cosner and Thurmond—2.

Absent and not voting:

Messrs. Brand, Bray, Clements, Coberly, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hamilton, Hickman, Kern, Kuykendall, Lantz, Miller, Mollohan, Moore, Moran, Moulds, McCauley, Neale (of Cabell), O'Connor, Otto, Pedigo, Perin, Richards, Rouss, Sarver, Scott, Stover, Swisher, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—36.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

Mr. Thurmond rose to the point of order that, under Rule No. 18, the bill not having been printed and on the members' desk for one day, no further consideration of the bill could be had.

Which point of order, the Chair held well taken.

On motion of Mr. Pettigrew, the bill (House Bill No. 177) was made a special order for 10:30 o'clock, A. M., Saturday, February 8th.

Senate Bill No. 153—"A Bill authorizing the county court of Logan county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose, for the year one thousand nine hundred and twenty, on the taxable property in said county, for the purpose of building for said county, at the county seat thereof, a jail, and providing for the building thereof for the receipt and disbursement of all moneys raised by said levy."

On motion of Mr. Bland the rules were suspended and

Senate Bill No. 153,

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Bannister, Bland, Brammer, Byrnes, Calhoun, Coberly, Coleman, Coon, Cosner, Cunningham, Fitch, Godfrey, Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hersman, Houvouras, John, Lester, Morris, Musser, McClaren, McClintic, McDermitt, McVey, Nutter, O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Shaw, Shomo, Spangler, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—49.

The noes were:

None.

Absent and not voting.

Messrs. Blackhurst, Blizzard, Brand, Bray, Capehart, Clements, Cox, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hale, Hamilton, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McPherson, Neale (of Capell), Neal (of Webster), Otto, Pedigo, Perin, Richards, Rouss, Sarver, Scott,

Starcher, Stover, Thomas, Vanmeter, Williams (of Ohio), and Wolfe (Speaker)—44.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Bannister, Bland, Blizzard, Brammer, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lester, Mahan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—66

The noes were:

None.

Absent and not voting.

Messrs. Anderson, Blackhurst, Brand, Bray, Clements, Cox, Fortney (of Harrison), Hale, Hamilton, Hickman, Howard, Lantz, Miller, Mollohan, Moore, Moran, McCauley, Neale (of Cabell), Nutter, Otto, Rouss, Sarver, Scott, Starcher, Stover, Thomas, Vanmeter, Williams (of Ohio), Wolfe (Speaker)—29.

Ordered, That Mr. Bland communicate to the Senate the passage of the bill (S. B. No. 153) and ask concurrence therein.

House Bill No. 250—"A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buck-

hannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

Unanimous consent being given, on motion of Mr. Williams (of Pleasants),

Senate Bill No. 182—"A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire land by condemnation or otherwise, not to exceed ten acres, for district high school purposes, and authorizing a special levy to pay for same."

On first reading, was substituted for

House Bill No. 209—"A Bill authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire lands by condemnation or otherwise, not to exceed ten acres for district high school purposes, and authorizing a special levy to pay for same."

On motion of Mr. Williams (of Pleasants) the rules were suspended and

Senate Bill No. 182,

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Lester, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pride-more, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—69.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Bray, Clements, Cox, Fortney (of Harrison), Hall, Hamilton, Hickman, Jones, Kern, Kyukendall, Lantz, Miller, Mollohan, McCauley, Neale (of Cabell), Otto, Sarver, Scott, Stover, Thomas, Vanmeter, Williams (of Ohio), and Wolfe (Speaker)—24.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lester, Mahan, Miller, Moore, Morris, Moulds, Musser McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pride-more, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—71.

The noes were:

None.

Absent and not voting.

Messrs. Bray, Capehart, Coberly, Cox, Fortney (of Harrison), Hickman, Kuykendall, Lantz, Mollohan, Moran, McCauley, McVey, Neal (of Cabell), Otto, Sarver, Scott, Starcher, Stover, Thomas, Vanmeter, Willaims (of Ohio), and Wolfe (Speaker)—22.

Mr. Williams (of Pleasants), moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—74.

The noes were:

None.

Absent and not voting:

Messrs. Bray, Coberly, Cox, Fortney (of Harrison), Hamilton, Kuykendall, Lantz, Mollohan, McCauley, Neale (of Cabell), Otto, Sarver, Scott, Starcher, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—19.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 182), takes effect from its passage.

Ordered, That Mr. Williams (of Pleasants), communicate to the Senate the passage of the bill.

On motion of Mr. Williams (of Pleasants),

House Bill No. 209,

Was laid on the table.

House Bill No. 257—"A Bill fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 198—"A Bill fixing the annual allowance to the clerks of the circuit and county courts of Morgan county."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 196—"A Bill to fix the salary of the prosecuting attorney of Barbour county."

On first reading, coming up in regular order for consideration, as read a first time and ordered to its second reading.

Senate Bill No. 104—"A Bill to create and incorporate the municipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."

On motion of Mr. Weiss, the rules were suspended and

Senate Bill No. 104,

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Bannister, Bland, Blizzard, Brammer, Byrnes, Calhoun, Capehart, Coleman, Coon, Cunningham, Fitch, Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Jones, Lester, Mahan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Nutter, O'Connor, Parsons, Peck, Pettigrew, Pridemore, Rankin, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—57.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Brand, Bray, Clements, Coberly, Cosner, Cox, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hamilton, Hobbs, Kern, Kuykendall, Lantz, Miller, Mollohan, Moran, McCauley, McPherson, Neale (of Cabell), Neal (of Webster), Otto, Pedigo, Perin, Richards, Rouss, Sarver, Scott, Stover, Swisher, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—36.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On motion of Mr. Weiss, the bill was amended on page forty-eight, section thirty-eight, line twenty-seven, by striking out the words "fifty-five cents" and inserting in lieu thereof the words "fifty cents."

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brammer, Byrnes, Calhoun, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lester, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Shaw, Shomo, Spangler, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—67.

The noes were:

None.

Absent and not voting:

Messrs. Brand, Bray, Capehart, Clement, Coberly, Cox, Fortney (of Harrison), Hale, Kuykendall, Lantz, Miller, Mollohan, McCauley, McVey, Neale (of Cabell), Otto, Pettigrew, Rouss, Sarver, Scott, Starcher, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—26.

Mr. Weiss moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall,

Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClin-tic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleas-ants) and Wysong—72.

The noes were:

None.

Absent and not voting:

Messrs. Brand, Bray, Capehart, Coberly, Cox, Frotney (of Harrison), Kuykendall, Lantz, Mollohan, McCauley, McVey, Neale (of Cabell), Otto, Pridemore, Sarver, Scott, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—21.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. 104), takes effect from its passage.

Ordered, That Mr. Hilleary communicate to the Senate the passage of the bill.

House Bill No. 197—"A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Parsons, severally made, the bill was amended as follows:

By striking out all of section three and inserting in lieu thereof the following:

Section 3. In the independent school district of Point Pleasant there shall be a board of education, who shall be a corporation by the name of "The board of education of the independent school district of Point Pleasant, in the county of Mason," and as such shall possess all the power and be subject to all the liabilities of such corporation, and in addition thereto shall likewise perform all the duties and be subject to all the liabilities of both boards of education and trustees. Except as in the next section otherwise provided, said board of education shall consist of a president and two commissioners, to be elected at the general elections held in

said county of Mason, all of whom, after those first elected, shall hold their offices for terms of four years, beginning on the first day of July, next after the dates of their respective elections, and until their successors shall have been elected and qualified. They shall be first elected at the general election to be held as aforesaid in the year nineteen hundred and twenty, the president and one of said commissioners for terms of two years, commencing as aforesaid, and the other commissioner for the full term of four years.

By striking out all of section four and inserting in lieu thereof the following:

Section 4. The independent school district of Point Pleasant herein authorized, and the board of education herein authorized to be elected, shall conform to, and be governed by, the general school law in this state, except where it is otherwise provided by this act. But until the board of education is elected as provided in the next preceding section, the present members of the board of education of the independent school district of Point Pleasant, and the members of the board of education of Lewis district residing within the territory included in this act shall be and is hereby constituted the board of education of the independent school district of Point Pleasant as created by this act until their successors are elected and qualified, as aforesaid. The members of the temporary board of education so constituted shall on the first Monday in July, one thousand nine hundred and nineteen, meet and elect one of their members president of said board. Nothing herein contained shall be construed to prohibit the re-election and eligibility of any member of such board for two or more terms. Vacancies in the board shall be filled for the unexpired term by appointment by said board within four weeks after such vacancy shall have occurred. If the board shall fail or refuse to act within this time, the county superintendent of schools shall promptly fill said vacancy by appointment.

On page fourteen in line nine after "(b)" following the word "division" by striking out the following: "excepting music, home economics, manual training, physical education, commercial work and drawing", and,

Also,

On page fourteen in line fifteen after the word "education" by striking out the word "shall" and inserting in lieu thereof the word "may".

The bill (House Bill No. 197), as amended, was then ordered to its engrossment and third reading.

House Bill No. 261—"A Bill allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

House Bill No. 172—"A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

On first reading, coming up in regular order for consideration, was read a first time, and ordered to its second reading.

The Chair announced the appointment of G. W. Wilmore as Chief of Pages.

On motion of Mr. Anderson, the House adjourned.

FRIDAY, FEBRYARY 7, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Shaw, the further reading thereof was dispensed with.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 235—"A Bill to amend and re-enact section one of chapter one hundred and nineteen of the code of West Virginia relating to attorneys at law."

Also,

House Bill No. 225—"A Bill relating to the destruction or injury necessarily done to real property by means of explosives or otherwise, where the same is done to avert the spread of fire, to provide compensation to the owner of such building under the policy of insurance thereon, if any, to provide an additional stipulation for all fire insurance policies written in this state after the first day of

March, one thousand nine hundred and nineteen, for the purpose of procuring to the owners of such real estate, so necessarily destroyed or injured, such compensation."

Also,

House Bill No. 170—"A Bill to amend and re-enact section thirty-six of chapter one hundred and forty-five of Barnes' code of one thousand nine hundred and eighteen (chapter forty-three of the acts of the legislature of one thousand nine hundred and fifteen, regular session), relating to false, deceptive and misleading advertising."

And,

House Bill No. 62—"A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 6—"A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen."

Also,

Senate Bill No. 94—"A Bill to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians."

And,

Senate Bill No. 95—"A Bill to amend and re-enact section thirty-three of chapter forty-six-a of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines."

And report the same back with the recommendation that they do pass,

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 207—"A Bill providing for a lien on personal

property for repairs thereon."

And report the same back with the recommendation that do not pass,

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 207, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 17)—An Act to fix the salaries of the governor and the judges of the supreme court of appeals.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the sixth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 17)—An Act to fix the salaries of the governor and the judges of the supreme court of appeals.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Brand, from the Committee on Humane Institutions and Public Buildings, submitted the following report, which was received:

Your Committee on Humane Institutions and Public Buildings has had under consideration,

House Bill No. 72—"A Bill to amend and re-enact sections one, three, thirteen and fourteen and to repeal section twenty-four of an act of the legislature of West Virginia, passed February twenty-first, one thousand nine hundred and thirteen, entitled, "An act creating the office of state Hotel Inspector, and providing for the inspection of hotels and restaurants."

And,

House Bill No. 212—"A Bill to amend chapter fifteen-*h* of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-*a*, serial section five hundred and forty-two-*a* of Hogg's code, providing for the establishment and location of a miners hospital in the town of Mullens, Wyoming county, which shall be known as Mullens hospital number four."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

F. M. BRAND, *Acting Chairman.*

House Bill No. 11—"A Bill to amend, revise and consolidate into one act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, 'An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county,' and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five, February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington."

With Senate amendments, being a message from the Senate on yesterday.

On motion of Mr. Hamilton, the bill was taken up for immediate consideration, together with the amendments proposed by the Senate.

The amendments proposed by the Senate were severally reported by the Clerk, and agreed to.

The amendments are as follows:

On pages forty-six and forty-seven, by striking out sections forty-seven and forty-eight, and inserting in lieu thereof the following:

"Sec. 47. This act shall not become and be effective until the same shall have been submitted for adoption or rejection to the duly

qualified voters living within the territory embraced in section two hereof, at a special election called for that purpose and shall have been adopted by a majority of the votes cast at said election; at which election all persons living within said territory, but outside of the city of Mannington as it was constituted immediately prior to the passage of this act, shall be entitled to vote as if they lived within the said city as it was constituted immediately prior to the passage of this act. Said special election shall be held as soon as possible after notice of the same has been published at least twice in some daily newspaper published in the city of Mannington, to be designated by the common council of the city of Mannington, the last publication of said notice to be made not less than ten days immediately preceding the date of the said election. Said notice shall also give notice of the provisions of sections two and three of this act by publishing the same in full as part of said election notice, together with a statement to the effect that a certified copy of the whole act as passed is on file and may be inspected by all voters living within the affected territory at the office of the mayor of the city of Mannington; and it shall be the duty of the common council of the city of Mannington to secure one or more certified copies of the act and keep, or cause the same to be kept, in the said mayor's office for the inspection of the said voters, from the date of the first publication of the said notice until the said election shall have been held. Said special election shall be arranged for, held and conducted, and the result thereof ascertained, certified and published in the usual and regular manner of arranging for, holding and conducting municipal elections in the city of Mannington and ascertaining, certifying and publishing the results thereof and the authority of the officials of the city of Mannington to arrange for, hold and conduct a municipal election therein, and to ascertain, certify and publish the results thereof, is hereby extended to cover all the territory embraced in section two hereof, for all purposes of the special election hereby provided for. At said special election any person entitled to vote thereat who lives outside of the city of Mannington, as it was constituted immediately prior to the passage of this act, shall vote at his usual voting place in said city, if he has been accustomed to vote at some voting precinct therein at any general election; but if not accustomed to vote at some voting precinct he shall vote at that regular voting precinct in the said city which is nearest his place of residence.

If this act shall be adopted at said special election it shall go into effect the day following its adoption at said election.

The ballot to be voted at said election shall be printed upon plain white paper and in the following form:

CITY OF MANNINGTON.

Charter Election.

Indicate how you desire to vote by a cross in the square.

| | "For adoption of new charter."

| | "Against adoption of new charter."

Provided, however, that if this act shall fail of adoption at said election, the same may be voted upon at a subsequent election, called by the common council of said city, to be held and conducted in the manner above set forth, and after notice as above set forth; but no such subsequent election shall be held until a period of six months shall have elapsed after any former election held for that purpose; and

Provided, further, that if the common council of said city shall fail or refuse to call a subsequent election for that purpose, then, upon petition signed by the qualified voters of said city, equal in number to at least thirty per centum of the entire vote cast for the candidate for mayor who received the highest number of votes at the last preceding municipal election, said common council shall, by a proper order, call a special election for that purpose. And if this act shall fail of adoption at the first special election held for that purpose as herein provided, then it shall take effect from the day immediately following its adoption at such subsequent election.

Sec. 48. If for any reason this act fails to take effect by the time the common council and their officers are to be nominated in said city under existing laws for the election to be held on the second Monday in March, one thousand nine hundred and nineteen, or any subsequent general election, then the mayor and council in office at the time this act does take effect, shall speedily cause an election to be held in said city to elect the officers provided for in this act, after giving notice at least twenty days, prior to the date fixed for said election, by publishing the same in some newspaper, published in said city, which notice shall state the purpose of said election. If such special election is held, all persons holding office under the next preceding election, shall vacate such office immediately, and other officers shall hold office at the pleasure of the common council notwithstanding they were elected and appointed under existing law for specified terms.

Sec. 49. If this act be adopted and for any reason fails to take effect on or before April first, one thousand nine hundred and nine-

teen, or on the first day of April of any subsequent year, it shall be the duty of the assessor in office at the time this act takes effect, or his successor, to make an assessment as provided in this act of all the property within the city limits as herein constituted. And if this act fails to take effect on or before April first, one thousand nine hundred and nineteen, or on the first day of April of any subsequent year, the council in making its levy, as in this act provided, for the year one thousand nine hundred and nineteen, or any subsequent year thereafter, upon all tithables and upon all real estate and personal property, subject to state and county taxes, within the city limits as in this act constituted, shall reduce its levy upon all tithables and upon all real estate and personal property in the territory included within the corporate limits of said city as in this act constituted, and not included in the corporate limits of said city under existing law, in the proportion that the time of said assessment year elapsed before this act takes effect bears to the whole assessment year."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Pettigrew, Pridemore, Richards, Rouss, Shaw, Shomo, Starcher, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss and Wysong—68.

The noes were:

Mr. Rankin—1.

Absent and not voting:

Messrs. Bland, Coon, Cox, Ferguson, Fortney (of Preston), Lantz, Mollohan, Morris, McClaren, Neale (of Cabell), O'Connor, Otto, Pedigo, Perin, Sarver, Scott, Spangler, Stover, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—24.

Mr. Hamilton moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—73.

The noes were:

None.

Absent and not voting:

Messrs. Cox, Ferguson, Fortney (of Preston), Lantz, Mollohan, Morris, Neale (of Cabell), O'Connor, Otto, Pedigo, Perin, Sarver, Scott, Spangler, Stover, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—20.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 11), takes effect from its passage.

Ordered, That Mr. Hamilton communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 91—"A Bill to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May in the year one thousand nine hundred and fifteen."

Being a message from the Senate on yesterday, making the bill effective from passage.

Mr. Weiss moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic,

McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Rouse, Shaw Shomo, Starcher, Sturm, Swisher Taylor Twyman Vaughn, Weiss, Williams (of Pleasants) and Wysong—71.

The noes were:

None.

Absent and not voting:

Messrs. Cox, Cuppett, Fortney (of Preston), Harvey, Lantz, Mollohan, Morris, Neale (of Cabell), O'Connor, Otto, Pedigo, Perin, Sarver, Scott, Spangler, Stover, Summers, Thomas, Vanmeter, Williams (of Ohio), and Wolfe (Speaker)—22.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 91), takes effect from its passage.

Ordered, That Mr. Weiss communicate to the Senate the action of the House of Delegates.

Mr. Moore offered the following resolution:

"WHEREAS, L. M. Wade was designated by the Speaker as sergeant-at-arms for the Committee on the Judiciary, to aid and assist in all matters connected with the investigation of the charges against George C. Sturgiss and,

"WHEREAS, Such employment began on the thirtieth day of January, one thousand nine hundred and nineteen,

"*Resolved*, That the sergeant-at-arms of the House is hereby authorized to issue his warrant, payable out of the contingent fund of the House of Delegates, paying the said L. M. Wade at the rate of six dollars (\$6.00) per day for the time that he may be employed as such and the time shall be certified to the sergeant-at-arms by the chairman of the Judiciary Committee, and the auditor is hereby directed to draw his warrant for same on the treasurer."

On motion of the same gentleman, the rules were suspended, and the resolution taken up for immediate consideration and adopted.

Mr. John presented the petition of Arthelia J. Lyons and seventeen other teachers and patrons of Bush school, Union district, Monongalia county, favoring the enactment of the proposed school code in its entirety.

Referred to the Committee on Education.

Mr. Grove presented the petition of Wm. C. Morton and forty-three other teachers of the schools of the city of Martinsburg, favoring the enactment of the proposed school code, as relates to the minimum salary of teachers holding first grade certificates.

Also, the petition of Clara Smallwood and ten other teachers of

the schools in Arden district, Berkeley county, favoring the enactment of the proposed school code, in its entirety.

Referred to the Committee on Education.

The following bills were introduced, on motions for leave, read by their titles, and referred to the appropriate committees:

By Mr. Coberly:

House Bill No. 264—"A Bill creating the twenty-fourth judicial circuit and changing and modifying the sixteenth and nineteenth judicial circuits."

Referred to the Committee on the Judiciary.

By Mr. Coon:

House Bill No. 265—"A Bill to amend and re-enact section six of chapter thirty-one of the code of West Virginia of one thousand nine hundred and thirteen relating to the sale of land for taxes."

Referred to the Committee on the Judiciary.

By Mr. Kern:

House Bill No. 266—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve (a), one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten,

to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen.

Referred to the Committee on Counties, Districts and Municipal Corporations.

Unanimous consent being given, on motion of Mr. McCauley, an editorial from the Charleston Mail, relating to the Virginia debt, was read by the Clerk and ordered to be printed in the Journal.

Mr. Godfrey moved that the editorial be laid on the table.

Which motion the Chair held out of order, for the reason that unanimous consent had been given for the Clerk to read same and that it be printed in the Journal.

Mr. Moore moved that the editorial be referred to the Committee on the Virginia debt.

Which motion the Chair held out of order, for the same reason.

Pending the discussion,

Mr. Wysong moved to expunge the editorial from the Journal, and

On that question,

Mr. Hall demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cunning-

ham, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, McVey, Nutter, Parsons, Pedigo, Pridemore, Rankin, Richards, Shaw, Shomo, Starcher, Sturm, Swisher, Taylor, Twyman, Vaughn, Williams (of Pleasants) and Wysong—55.

The noes were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Kuykendall, Lantz, Lester, Miller, McCauley, McClintic, Neal (of Webster), O'Connor, Peck, Pettigrew, Summers and Thurmond—22.

Absent and not voting:

Messrs. Cox, Fortney (of Preston), Kern, Mollohan, Neale (of Cabell), Otto, Perin, Rouss, Sarver, Scott, Spangler, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—16.

So, a majority having voted in the affirmative, the editorial was expunged from the Journal.

On motion of Mr. Mahan, indefinite leave of absence was granted to Mr. Perin, on account of illness.

On motion of Mr. Cunningham, leave of absence was granted to Mr. Scott, for two days.

Resolution offered by Mr. Harvey,

Resolved, That the names and addresses, by postoffice and county, of all attachees now appointed by this House, and the per diem received by each, be printed in the Journal of the proceedings of today, and the Clerk be so directed.

Coming up in regular order for consideration, was

On motion of Mr. Hays, referred to the Committee on Rules.

On motion of Mr. Moore, Chairman of the Committee on the Judiciary, permission was granted the members of said Committee to retire from the floor of the House, for the purpose of further proceeding with the hearing of the Sturgiss' matter.

House Bill No. 106—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, sixty-four, ninety-seven, one hundred five, one hundred seven, one hundred nine, one hundred twenty, one hundred twenty-one, one hundred thirty, and adding sections forty, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred four, of chapter thirty-two of Barnes' code, one thousand nine hundred and eighteen, relating to regulations respecting licenses and license taxes."

On third reading, coming up in regular order for consideration, was read a third time.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Sturm, Summers, Taylor, Twyman, Vaughn, Weiss and Wysong—61.

The noes were:

Messrs. Bannister, Blizzard, Clements, Hickman, Jones, McPherson, Swisher, Thurmond and Williams (of Pleasants)—9.

Absent and not voting:

Messrs. Anderson, Brand, Coleman, Cosner, Cox, Cuppett, Fortney (of Preston), Hall, Kern, Mollohan, Moore, McCauley, Neale (of Cabell), Otto, Perin, Sarver, Scott, Spangler, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—23.

On the question, "Shall the title, as reported, be and remain the title of the Bill?"

On motion of Mr. Hackney, the title was amended by striking out after the word "thirty" the words "and section sixty-four" and inserting after the words "fifty-eight" the words "sixty-four."

Ordered, That Mr. Hackney communicate to the Senate the passage of the bill (H. B. No. 106), and ask concurrence therein.

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brammer, Bray, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hers-

man, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Rouss, Shaw, Shomo, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss and Wysong—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Brand, Byrnes, Cosner, Cox, Cuppett, Fortney (of Preston), Hale, Hobbs, Mollohan, Moore, McCauley, Neale (of Cabell), Nutter, Otto, Perin, Richards, Sarver, Scott, Spangler, Starcher, Stover, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—29.

Mr. Pettigrew moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Parsons, Pedigo, Pettigrew, Pridemore, Rankin, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Brand, Coberly, Cosner, Cox, Cuppett, Fortney (of Preston), Hale, Harvey, Hobbs, Mollohan, Moore, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Peck, Perin, Richards, Rouss, Sarver, Scott, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 147) takes effect from its passage.

Ordered, That Mr. Hackney, communicate to the Senate the passage of the bill and request concurrence therein.

House Bill Bo. 197—"A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Rouss, Shaw, Shomo, Starcher, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, and Wysong—67.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Coberly, Coon, Cosner, Cox, Cuppett, Fortney (of Preston), Hale, Kern, Mollohan, Moore, McCauley, Neale (of Cabell), Otto, Perin, Richards, Sarver, Scott, Spangler, Stover, Summers, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—26.

Mr. Parsons moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo,

Starcher, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—70.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Coberly, Coleman, Coon, Cosner, Cox, Fortney (of Preston), Lantz, Nutter, Mollohan, McCauley, Neale (of Cabell), Otto, Perin, Sarver, Scott, Spangler, Stover, Summers, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—23.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 197) takes effect from its passage.

Ordered, That Mr. Parsons communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

On second reading, coming up in regular order for consideration, was

On motion of Mr. O'Connor, made a special order for 2.30 o'clock this afternoon.

House Bill No. 41—"A Bill establishing a building code, regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."

On second reading, was

On motion of Mr. Wysong, made a special order for 11 o'clock, A. M., Saturday, February 8th.

House Bill No. 65—"A Bill to provide for the protection of the traveling public on street and interburan railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motormen; relating to hauling freight, and spotters employed by the company."

On second reading, was

On motion of Mr. Weiss, made a special order for 2 o'clock, P. M., Saturday, February 8th.

House Bill No. 153—"A Bill to regulate the practice of architecture in the state of West Virginia."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Twyman moved to amend the bill on page one, line four, after the word "and" by inserting the following: "who shall be efficient and skilled in Tyrian and Sidonian architecture and".

Which motion did not prevail.

On motion of Mr. Mahan, the bill was amended on page ten, line twenty-six, by striking out the words "five thousand dollars" and inserting in lieu thereof the words "eight thousand dollars."

The bill, as amended, was then ordered to its engrossment and third reading.

Senate Bill No. 61—"A Bill to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen."

On second reading, was

On motion of Mr. Blizzard, made a special order for 10:45 o'clock, A. M., Saturday, February 8th.

Unanimous consent being given,

House Bill No. 138—"A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-a, thirty-one-b, thirty-seven and thirty-eight as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, thirty-seven and thirty-eight,

inclusive, as parts of chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

Was laid over until Monday, February 10th, retaining its place at the head of the calendar.

Mr. Howard moved that

Senate Bill No. 116—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

Be taken up out of its order, for immediate consideration.

Which motion did not prevail.

House Bill No. 151—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Twyman moved that further consideration of the bill be indefinitely postponed.

Which motion did not prevail.

Mr. Hall moved to amend the bill on page one, section one, in line two, by striking out all that follows after the word "in" down to and including the word "for" in line three, and inserting in lieu thereof the words "Wood county, West Virginia."

Which motion did not prevail.

Mr. Twyman moved to amend the bill on page one, section one, in line three, by inserting after the word "state" the following: "along the Twin Mountain & Potomac railroad."

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

On motion of Mr. Hersman, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION

The House met at the expiration of the recess.

The Speaker named Messrs. Anderson, Richards and Kern as the conference committee on the part of the House to confer with a committee on the part of the Senate on the refusal of the Senate to concur in the House amendments to

Senate Bill No. 12—"A Bill to amend and re-enact chapter twenty-eight-*a* of the code of West Virginia of one thousand nine hundred and sixteen, codifying and embracing in one act all the general laws relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts, and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body and for the creation and distribution of the general school fund."

Ordered, That Mr. Anderson inform the Senate of the action of the House.

House Bill No. 51—"A Bill creating a Board of Engineers for the state of West Virginia and providing for the examination and licensing of steam engineers throughout the state of West Virginia and for the inspection of steam boilers throughout the said state for the better protection of life and property and for other purposes."

On second reading coming up in regular order for consideration, was read a second time.

Unanimous consent being given,

Mr. McClintic was given permission of the House to withdraw the point of order raised by him on Thursday, January thirtieth, one thousand nine hundred and nineteen, as appears from the Journal of that date on page nineteen.

On motion of Mr. Wysong, severally made, the bill was amended as follows:

On page one, section three, line four, by striking out the words five hundred dollars.

On page four, section six, line five, by striking out the word ten and inserting in lieu thereof the word "forty."

On page eleven, by striking out all of section eighteen.

On page eleven, section nineteen, by striking out all of line one

On motions of Mr. Swisher, severally made, the bill was amended as follows:

On page three, section two, line one, by striking out the words "a chief examiner and three assistant examiners" and inserting in lieu thereof after the word "of" the words "the commissioner of labor and his assistants".

On page one, by striking out all of section three.

On page four, by striking out all of section four.

On page four, by striking out all of section five.

On page five, section six, line nine, by striking out the words "drilling machines" and inserting in lieu thereof the words "rigs and equipments".

On page six, section nine (a) by striking out the words "twenty-one" and inserting in lieu thereof the word "eighteen".

On page ten, section fifteen, line three, by striking out the words "commissioner of labor" and inserting in lieu thereof the words "board of public works".

On page eleven, section seventeen, line four, by striking out the words "opening suitable offices in the city of Charleston".

On page eleven, section seventeen, line five, by striking out the words "same, and providing adequate clerical help" and inserting in lieu thereof the words "necessary blanks and equipment".

On page eleven, section seventeen, line six, by striking out the word "his" and inserting in lieu thereof the word "the".

On motion of Mr. Ferguson, the enacting clause was stricken from the bill.

On motion of Mr. Starcher,

House Bill No. 21—"A Bill to amend and re-enact section forty-seven of chapter fifteen-*h* of the code of West Virginia (Barnes Edition) one thousand nine hundred and sixteen relating to the weighing of coal".

On first reading was taken up out of its regular order for immediate consideration, read a first time and ordered to its second reading.

On motion of Mr. Calhoun,

House Bill No. 123—"A Bill to amend chapter forty-three, Barnes' code, one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-*a*, authorizing county courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county."

On first reading was taken up out of its regular order for immediate consideration, read a first time and ordered to its second reading.

A message from the Senate, by Mr. Cobun, announced that that body had by resolution requested the return of

Senate Bill No. 164—"A Bill to amend and re-enact section three of chapter sixty-six of the code of West Virginia, concerning the separate property, rights, powers and privileges of married women; suits by and against them."

The bill was ordered returned to the Senate.

Unanimous consent being given,

On motion of Mr. Moore,

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

Was made a special order for Saturday, February 8th, at 10:50 A. M.

Unanimous consent being given,

Mr. Hall asked that the following communications from the Public Service Commission be printed in the Journal.

THE PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA.

CHARLESTON, FEBRUARY 7, 1919.

MY DEAR MR. HALL:

I have been informed that in the course of your remarks yesterday on the floor of the House while discussing the "Steptoe Bill" you made reference to the action of the public service commission in its final disposition and settlement of Case No. 516, styled,

"In the matter of the rates, rules and regulations, schedules, etc., of the Manufacturers Light and Heat Company, and the pending litigation against the public service commission of said company and affiliated companies in the United States district court for the northern district of West Virginia,"

recently pending before said Commission.

I feel quite sure that if you had taken the time to have familiarized yourself with the facts in relation to said case you would not have made the unwarranted statements reported to have been made by you.

Am enclosing herewith certified copy of the order entered by the commission in said case which, in fairness to the commission, I most earnestly request that you will have printed in the Journal of the House.

Any further information you may desire concerning said proceeding will be cheerfully furnished.

Very respectfully yours,

E. F. MORGAN.

Honorable Septimius Hall, Member House of Delegates,
Charleston, West Virginia.

THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
CHARLESTON

A meeting of the *public service commission of West Virginia*,
held on the 20th day of November, A. D., 1916.

Present:—Hon. E. F. Morgan,
Hon. Elliott Northcott,
Hon. E. G. Rider.

Case No. 516—In the matter of the rates, rules and regulations, schedules, &c., of The Manufacturers Light & Heat Company, and the pending litigation against the public service commission of said company and affiliated companies in the United States district court for the northern district of West Virginia.

This day a petition signed by a large number of the industrial and domestic consumers of natural gas supplied by the Manufacturers Light & Heat company was presented to the commission, which is ordered to be filed. And accompanying said petition is a copy of a consent decree agreed upon by the attorneys for the said company, the attorney-general and the attorneys representing this, the public service commission, and said consumers, to be entered in the chancery cause of the Manufacturers Light & Heat company, the Manufacturers Gas company, et al., plaintiffs, v. Lee Ott, Howard N. Ogden, Charles H. Bronson and Wade C. Kilmer, public service commission of the state of West Virginia, defendants, pending in the district court of the United States for the northern district of West Virginia. And it being agreed between said companies and this commission that the appeal now pending in the supreme court of the United States from the order refusing a preliminary injunction heretofore entered in this cause shall be forthwith dismissed by the appellants at their costs.

And it appearing from said petition and said consent decree and from other applications and representations which have heretofore been made to this commission that it is the wish and desire of the consumers of natural gas furnished by said Manufacturers Light & Heat company, both industrial and domestic, that the moneys and funds which have been paid into the National Bank of West Virginia at Wheeling under the decree made in the above mentioned chancery cause on the twenty-ninth day of July, one thousand nine hundred and fourteen, should be paid over to the said Manufacturers Light & Heat company to be used by it in further development and to the procuring of additional supplies of natural gas for

said consumers, except that two (2c) per thousand cubic feet shall be paid to domestic consumers from whom collections have been made since said decree was entered.

And it further appearing, and the commission is of the opinion, that by reason of changed conditions in the way of increased cost of labor and materials, the diminishing supply of gas and the increasing demand for it, and the adjustment of the questions in controversy, a final judicial determination of which would require many months and an enormous outlay of costs and expenses, the interests of the parties affected by the proceeding referred to in this order will be conserved by adjusting the matters in controversy, in the manner and upon the terms provided by said proposed consent decree and permitting the rates and schedules filed with this Commission by the said Manufacturers Light & Heat company and its affiliated companies, which were to take effect as of the first day of November, one thousand nine hundred and thirteen, to take effect and be put into operation from and after the first day of November, one thousand nine hundred and sixteen, as requested and prayed for by said industrial and domestic consumers in the petition this day filed before the Commission.

Now, therefore, in consideration thereof it is adjudged, ordered and directed as follows:

First: That the consent decree agreed to be entered by the said United States district court in the above mentioned suit pending therein be, and the same is, approved by this commission, and the action of its attorneys in agreeing to said decree is ratified and confirmed.

Second: That the rates, schedules, rules and regulations set forth in the schedules filed by the Manufacturers Light & Heat company and its affiliated companies doing business in the state of West Virginia, with this commission, to take effect as of the first day of November, one thousand nine hundred and thirteen, shall become operative and effective as and from the first day of November, one thousand nine hundred and sixteen, and that on and after said last mentioned date said Manufacturers Light & Heat company shall have authority and be empowered to collect from the consumers in the state of West Virginia for natural gas the said rates in accordance with the schedules, rules and regulations set forth in their schedules above mentioned, with the exception of gas to be supplied to domestic consumers in the district formerly supplied by the Wetzel Gas company in New Martinsville and vicinity in Wetzel county, West Virginia, and as to said schedule of rates for

New Martinsville and vicinity the same is changed and amended so that on and after November first, one thousand nine hundred and sixteen, a discount, if paid within the discount period, of four (4c) cents per thousand cubic feet instead of two (2c) cents as proposed by said schedule, be allowed. In all other respects all of said schedules shall be and remain in full force on and after November first, one thousand nine hundred and sixteen, until the further order of this commission.

A Copy.

Teste:

R. B. BERNHEIM, *Secretary*.

On motion of Mr. Bray,

House Bill No. 158—"A Bill to amend and re-enact section one of chapter twenty-nine of the acts of the legislature of one thousand nine hundred and seventeen and to add thereto section two, for the purpose of authorizing county courts to change the method of improving public roads and to make proper location of same, with proceeds of bonds voted pursuant to chapter eight of the acts of the legislature of one thousand nine hundred and fifteen, second extraordinary session, after having received authority therefor from the voters of the county of district affected, in an election held for that purpose."

On first reading was taken up out of its regular order for immediate consideration, was read a first time and ordered to its second reading.

Unanimous consent being given,

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 267—"A Bill to amend and re-enact sections one, twenty-one and twenty-nine of chapter five of the acts of the third extraordinary session of one thousand nine hundred and sixteen, relating to primary elections."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

SENATE JOINT RESOLUTION No. 3—"Proposing an amendment to sections twenty-two and twenty-three of article six of the constitution of this state."

And report the same back with the recommendation that it do pass,

Respectfully submitted,

E. F. MOORE, *Chairman*.

The following members of the Committee on the Judiciary, D. E. Cuppett, E. Vernon Fortney, G. W. McClintic, J. S. Kuykendall, A. J. Kern, L. C. Anderson, D. D. Moran, G. W. McCauley, W. S. John and James Coberly submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

House Bill No. 2—"A Bill amending and re-enacting sections one, two and three of chapter seventeen of Barnes' code of one thousand nine hundred and eighteen, and adding section three-*a* relating to depository bonds and the collecting, depositing and safeguarding all moneys collected by the State, and prohibiting the treasurer from owning any stock in, or being a stockholder or officer in any depository during his term of office."

And,

House Bill No. 3—"A Bill amending and re-enacting section twelve of chapter ten of Barnes' code of one thousand nine hundred and eighteen, relating to the bonds of state officers."

And report the same back without recommendation.

Respectfully submitted,

E. F. MOORE, *Chairman*.

House Bill No. 138—"A Bill to amend and re-enact sections three and four of chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-*a*, thirty-one-*b*, thirty-seven and thirty-eight as parts thereof, and said sections to be numbered thirty-one-*a*, thirty-one-*b*, thirty-seven and thirty-eight, inclusive, as parts of chapter thirty-two-*a*, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

On second reading, coming up in regular order for consideration, Was, on motion of Mr. McClintic, Speaker *pro tempore*, laid over until Monday, February 10th, retaining its place on the calendar.

House Bill No. 107—"A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the said state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Williams moved that the bill be recommitted to the committee on taxation and finance.

Mr. John as a substitute for the motion made by Mr. Williams moved that the bill (H. B. No. 107) be made a special order for Tuesday, February 11th at 10:30 A. M.

Which motion prevailed.

A message from the Senate by Mr. Morton announced the passage by that body of

Senate Bill No. 147—"A Bill to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Arnold announced the passage by that body of

Senate Bill No. 200—"A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Sanders announced that the President of the Senate had appointed Messrs. Sanders, Gribble and Fox as the conferees on the part of the Senate on the refusal of the Senate to concur in the House amendment to Senate Bill No. 12.

A message from the Senate by Mr. Hough announced the passage by that body of

Senate Bill No. 162—"A Bill to amend and re-enact sections three and fourteen of chapter fourteen of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-seven, in

reference to the charter of the city of Wellsburg, as amended by chapter sixty-five of the acts of one thousand eight hundred and ninety-five; chapter one hundred and forty-nine of the acts of one thousand nine hundred and one; chapters sixty-eight and sixty-nine of the acts of one thousand nine hundred and three; chapter ten of the acts of one thousand nine hundred and seven; and chapter four of the acts of one thousand nine hundred and fifteen; and chapter one hundred and sixteen of the acts of one thousand nine hundred and seventeen."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Gribble announced the passage by that body of

Senate Bill No. 178—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

And asked concurrence of the House therein.

A message from the Senate by Mr. Kump announced the passage by that body of

House Bill No. 116—"A Bill relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof."

With Senate amendments and asked concurrence of the House therein.

House Bill No. 127—"A Bill to levy a privilege tax on the transportation of natural gas by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax and defining the duties of said tax commissioner hereunder."

On second reading coming up in regular order for consideration, was

On motion of Mr. Fortney, laid over, retaining its place on the calendar.

House Bill No. 174—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. John rose to the point of order that the bill had been considered by the Judiciary Committee and reported back with the recommendation "that it do not pass," and therefore, could not now be considered by the House.

Which point of order the chair took time to consider.

Senate Bill No. 8—"A Bill to require judgments and decrees of the circuit and district courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 16—"A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, one thousand nine hundred and thirteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 35—"A Bill to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 7—"A Bill to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia."

With amendment made by the Judiciary Committee of the House.

On second reading, coming up in regular order for consideration, was read a second time.

The Clerk reported the amendment which is as follows: On page one, section thirty-six, line four, by striking out the word "one" and inserting in lieu thereof the word "three."

The amendment having been agreed to, the bill was ordered to its third reading.

Senate Bill No. 11—"A Bill to amend and re-enact section four of chapter one hundred and fourteen-*b* of the code of West Virginia, one thousand nine hundred and thirteen."

With amendment made by the Judiciary Committee of the House.

On second reading, coming up in regular order for consideration, was read a second time.

The Clerk reported the amendment which is as follows:

On page one, section four, line seven, by striking out the word "fifteen" and inserting in lieu thereof the word "twenty."

The amendment having been agreed to, the bill was ordered to its third reading.

Senate Bill No. 36—"A Bill dispensing with the necessity of any natural person affixing a seal to any deed, trust deed, mortgage, lease or other writing conveying, selling, or agreeing to sell, leasing, renting, or encumbering real estate, and making valid such instruments of writing heretofore executed by any natural person, lacking such seal, and making the same evidence; and providing that an action of covenant may be maintained thereon for the breach of any covenant or warranty therein.

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 69—"A Bill to amend and re-enact section three of chapter one hundred and twenty-nine of the one thousand nine hundred and thirteen code of West Virginia, serial section four thousand eight hundred and forty-eight, concerning commissioners in chancery."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 22—"A Bill to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor or his deputies; by providing for a woman inspector to assist with its enforcement; by prescribing penalties for violations thereof; by defining the procedure in prosecutions."

On second reading, coming up in regular order for consideration was

On motion of Mr. McVey, laid over for one day, retaining its place on the calendar.

On motion of Mr. Ferguson,

House Bill No. 134—"A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."

On first reading, was taken up out of its regular order for immediate consideration, read a first time and ordered to its second reading.

On motion of Mr. Starcher,

House Bill No. 229—"A Bill relating to mothers' pensions."

On first reading, was taken up out of its regular order for immediate consideration, read a first time and ordered to its second reading.

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education."

On second reading, coming up in regular order for consideration, was read a second time, and ordered to its engrossment and third reading.

House Bill No. 143—"A Bill to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the allies during the world war or in any charitable, humane or relief organizations connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings, as memorials to those of them who have died in such service or in any such organization."

On second reading, coming up in regular order for consideration, was read a second time, and ordered to its engrossment and third reading.

House Bill No. 84—"A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation."

On second reading, coming up in regular order for consideration, was read a second time, and ordered to its engrossment and third reading.

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations."

On second reading, coming up in regular order for consideration, was read a second time, and ordered to its engrossment and third reading.

House Bill No. 26—"A Bill to amend and re-enact chapter forty-seven of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, in relation to the authentication and record of maps."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 126—"A Bill to provide for the recording of affidavits as to the birth, marriage, death, name, residence, identity or relationship of parties to instruments effecting real estate and the use of the same in evidence."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 33—"A Bill to amend chapter one hundred and thirty of the code of West Virginia relating to Evidence and Witnesses, by adding thereto an additional section to be numbered forty-eight, so as to provide that when the land described in a patent, deed or other document is subject to an exception or reservation of any part or parts thereof, it shall be presumed, when the same is offered in evidence in any action, suit or proceeding at law or in equity involving the trial or determination of title to real estate or any interest therein, that the land or interest therein in controversy is not included in any such excepted or reserved part or parts."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 146—"A Bill to amend and re-enact section six, serial section number four thousand four hundred and ten of chapter one hundred and three of Hogg's West Virginia code of one thousand nine hundred and thirteen, relating to the maximum amount that may be recovered in an action for wrongful death."

On second reading, coming up in regular order for consideration, was read a second time, and

On motion of Mr. John, the bill was passed over until tomorrow (Saturday, February 8th), retaining its place on the calendar.

A message from the Senate, by Mr. Luther, announced the passage by that body of

Senate Bill No. 176—"A Bill relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races."

And asked the concurrence of the House therein.

House Bill No. 180—"A Bill to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia."

On second reading, coming up in regular order for consideration,

was read a second time and ordered to its engrossment and third reading.

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Mr. John in the Chair.

House Bill No. 63—"A Bill to license and regulate the business of making loans in sums of three hundred dollars (\$300.00) or less, secured or unsecured, at a greater rate of interest than six percentum per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Hackney moved to amend the bill on page eight, section thirteen, line five, by striking out the words "three and one-half ($3\frac{1}{2}$) *per centum per month*" and inserting in lieu thereof the words "one (1) *per centum per month*."

Pending the discussion of the amendment,

Mr. Pettigrew moved the previous question,

The question prevailing,

The Speaker propounded the main question: "Shall the amendment of Mr. Hackney be adopted?"

On that question,

The vote being taken, the amendment was adopted.

Whereupon,

On motion of Mr. Brand, the enacting clause was stricken from the bill (House Bill No. 63).

A message from the Senate, by Mr. Harmer, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 17.

"Providing for the disposition of remaining volumes of the code of one thousand eight hundred and sixty-eight and the code of one

thousand eight hundred and ninety-nine by the secretary of state."

WHEREAS, By joint resolution No. 17, adopted February thirteen, one thousand eight hundred and ninety-nine, by the legislature of that year, the code of one thousand eight hundred and ninety-nine was adopted and provision therein made for delivering the same when issued to the Secretary of State for distribution and sale; and,

WHEREAS, There is now in the hands of the secretary of state three hundred fifty-one volumes of the code of one thousand eight hundred and sixty-eight and one thousand one hundred and thirty-six volumes of the said code of one thousand eight hundred and ninety-nine, and there is no demand or sale for either of said codes, and heavy storage charges thereon are now being paid and have been paid for many years past, to the detriment of the state's interest; and it is desirable that said charges shall cease, therefore be it

Resolved, by the Legislature of West Virginia, That the secretary of state, be and he is hereby authorized and directed to dispose of said codes by free distribution to the state law library, to the university law library, to the department of archives and history, or to such other libraries or institutions as may desire the same, retaining in his office only fifty volumes of each code.

And asked the concurrence of the House therein.

The following communication was received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal:
To the Members of the House of Delegates:

I have today approved the following House Bills:

House Bill No. 16—"An Act to provide for a vote on the school levy in West Union district, Doddridge county, and in other districts in said county, or in the state.

House Bill No. 35—"An Act authorizing the board of education of Union independent school district in the county of Marion, to issue bonds for the purpose of providing a high school for said district.

House Bill Bo. 38—An Act relating to the criminal court of McDowell county.

House Bill No. 45—"An Act to authorize the county court of McDowell county to establish and maintain a dental clinic for all resident children in said county, under the age of sixteen years, to lay the necessary levies, to employ dentists and other help, to purchase equipment and supplies, and to prescribe rules and regulations for the government of said clinic.

House Bill No. 70—An Act to authorize the board of commissioners of the county of Ohio to establish and maintain a county law library.

House Bill No. 82—An Act to authorize the board of education of Kanawha district, Fayette county, to make a contract for the construction of a high and graded school building at Montgomery.

Respectfully,

J. J. CORNWELL, *Governor.*

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. McClintic, the bill was amended on page nine, line twenty, by striking out the word "tenth" and inserting in lieu thereof the word "first".

Pending amendments to the bill,

On motion of Mr. McClintic, the bill (House Bill No. 132) was made a special order for eleven o'clock, A. M., Saturday, February eighth.

The Speaker, *pro tempore*, resumed the Chair.

Mr. Blizzard moved that

Senate Bill No. 151—"A Bill to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, etc., in coal mines."

Be taken up out of its regular order for consideration.

Pending which,

On motion of Mr. Neal (of Webster), the House adjourned.

SATURDAY FEBRUARY 8, 1919.

The House met at 10 o'clock A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday.

On motion of Mr. Houvouras, the further reading thereof was dispensed with.

A message from the Senate by Mr. Staats announced the concurrence by that body in the passage of

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."

Mr. Moore from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 178—"A Bill to amend and repeal sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of chapter fifteen-j, of Barnes' code, one thousand nine hundred and eighteen, and re-enact the same as sections, fourteen-a, fourteen-b, fourteen-c, fourteen-d, fourteen-e, fourteen-f, and fourteen-g, of chapter one hundred and forty-nine Barnes' code, one thousand nine hundred and eighteen, all relating to cruelty to animals."

And,

House Bill No. 238—"A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or district of Columbia or any foreign country authorized under the laws of this state to hold property or to transact business in this state from prosecuting suits or actions, either now pending or hereafter instituted against like corporations in any court of any other state or territory of the United States or District of Columbia or any foreign country when the cause of such suit or action arose in the State of West Virginia, or when such suit or action involves the title to, or possession or right of possession of real estate situate in the State of West Virginia; providing penalties for the violation of this act, and providing for injunction to inhibit the prosecution of such suits."

And report the same back with the recommendation that they do pass,

Respectfully submitted,
E. F. MOORE, *Chairman.*

Mr. Moore from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 251—"A Bill to amend and re-enact chapter one hundred forty-four, section fifteen, of the West Virginia code of one thousand nine hundred and eighteen."

And report the same back with the recommendation that it do not pass,

Respectfully submitted,
E. F. MOORE, *Chairman.*

House Bill No. 251, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Blackhurst, from the Committee on Counties, Districts and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 152—"A Bill to amend and re-enact section two of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Tuesday of May in the year one thousand nine hundred and fifteen."

Amendment proposed to "A Bill to amend the charter of the city of Wheeling."

Insert between paragraphs first and second of the proposed section two, the following paragraph:

It is provided, however, that no annexation of territory to the existing boundaries of the city of Wheeling shall become effective or operative unless and until the voters of the territory proposed to be annexed shall vote upon the question of whether or not they will become a part of the city of Wheeling; the vote of such territory shall be taken upon the question "for annexation" and "against annexation" and shall be held not later than six months after the

passage of this act; and the vote shall be taken separately by each municipality and other territory proposed to be annexed and a majority vote in each separate unit so voting shall be necessary to its annexation. All elections authorized by this act shall be published, held and their results declared according to the law governing elections.

And report the same back with the recommendation that it do pass as amended.

Respectfully submitted,

H. BLACKHURST, *Chairman.*

Mr. Brammer, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration,

House Bill No. 182—"A Bill to amend and re-enact section twenty-eight of chapter forty-five of Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the salaries of teachers."

And,

House Bill No. 53—"A Bill to provide for the education and maintenance of indigent children."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

R. F. BRAMMER, *Acting Chairman.*

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 248—"A Bill to amend and re-enact section thirty-nine of chapter twenty-nine of the code, relating to the assessment of taxes upon oil and gas interests, and the method of collecting the same."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

The Speaker announced that Mr. Anderson had asked to be relieved as one of the conferees on the part of the House in the consideration of the refusal of the Senate to concur in the amendments made by the House to

Senate Bill No. 12—"A Bill to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen, codifying and embracing in one act all the general laws relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body and for the creation and distribution of the general school fund."

And that he had appointed Mr. Parsons to take his place.

Mr. Brammer presented the petition of Willard McGinnis and seventeen others of the graded school of Cullendon, Cabell county, praying for the enactment of the new school code (H. B. No. 40).

Referred to the Committee on Education.

House Bill No. 166—"A Bill authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose for the year one thousand nine hundred and twenty, on all the taxable property of said county for the purpose of erecting a public bridge across Little Kanawha river at the county seat thereof, and providing for the receipt and disbursements of all moneys raised by said levy."

With Senate amendments, being a message from the Senate on yesterday, on motion of Mr. Hall, the bill was taken up for immediate consideration, together with amendments proposed by the Senate.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to

The amendments are as follows:

On page four, section one, line fifteen, after the word "is" by inserting the words "for material."

On page four, section one, line fifteen, after the word "dollars" insert the word "and for labor in excess of twenty-five dollars."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Harvey, Hays, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Kern, Lantz, Lester, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Pettigrew, Rankin, Rouss, Starcher, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—65.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Coberly, Coleman, Cox, Grove, Hamilton, Hendricks, Hickman, Jones, Kuykendall, Mollohan, Morris, Neale (of Cabell), Otto, Perin, Pridemore, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—28.

Ordered, That Mr. Hall communicate to the Senate the passage of the bill (H. B. No. 116) and ask concurrence therein.

On motion of Mr. Hersman, leave of absence was granted to Mr. Pridemore, for three days.

The following bills were introduced, on motion for leave, read by their titles, and referred to the appropriate committees:

By Mr. Vaughn:

House Bill No. 268—"A Bill to amend chapter one hundred and fifty of Hogg's code of one thousand nine hundred and thirteen by adding thereto section five thousand three hundred and seventy-two."

Referred to the Committee on the Judiciary.

By Mr. Pettigrew (by request):

House Bill No. 269—"A Bill to provide hospital treatment for the pauper poor in the various counties of the state, and to discontinue as state institutions, Welch hospital number one, McKendree hospital number two and Fairmont hospital number three; to sell and dispose of the property of the state in said institutions; to provide for the treatment of the pauper poor of each county in hospitals generally over the state; to grant exemption from taxation to such hospitals; and to fix the qualifications for such hospitals."

Referred to the Committee on Humane Institutions and Public Buildings.

By Mr. Hale (by request):

House Bill No. 270—"A Bill to amend and re-enact section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia in regulation of the license tax required of hawkers and peddlers."

Referred to the Committee on Taxation and Finance.

By Mr. Godfrey:

House Bill No. 271—"A Bill to amend and re-enact section two of chapter sixty-three of the acts of the legislature of one thousand nine hundred and seventeen relating to dependent and delinquent children."

Referred to the Committee on the Judiciary.

Mr. Anderson in the chair.

The hour having arrived to which

House Bill No. 177—"A Bill to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

On second reading, was made a special order.

On motion of Mr. McClintic, severally made, the bill was amended as follows:

On page thirty, section seventy-five, line twenty-five, strike out beginning with the words "the city council" down to and including the word "then" in line thirty-six.

On page thirty, section seventy-five, line forty-one, strike out beginning with the word "at" down to and including the word "to" in line forty-three.

On page thirty-one, section seventy-five, line forty-nine strike out beginning with the word "in" down to and including the word "purposes" in lines fifty and fifty-one.

On page thirty-one, section seventy-five, line fifty-nine, by inserting after the word "said" the words "city jail and."

On page thirty-one, section seventy-five, line sixty-two, by inserting after the word "duty" the following: "Provided that the council may if it so desires submit to the vote of the people by

proper ordinance, the question of issuing bonds for the foregoing purposes and in the event such bonds shall be authorized, then such levy shall not be made, and"

On page forty-one, by adding a new section, as follows:

"Section 101. The council shall have power to buy, sell or exchange any real estate found necessary or convenient in the opening, construction, straightening, widening, or otherwise altering of any street, alley or public way within the City, and by resolution and proper deed to convey to any person, firm or corporation any land used, or heretofore or hereafter used, for street or other public purpose, when in the judgment of the council such land shall be no longer needed for such public use."

On page thirty, section seventy-five, line thirty-nine, by inserting after the word "levy" the words "for the year one thousand nine hundred and nineteen."

On motions of Mr. Pettigrew, severally made, the bill was amended as follows:

On page thirty-six, after line fifty-four, by adding a new section, as follows:

Section 93-a: The county assessor shall furnish transcript of real and personal property on or about the tenth day of September of each year and his fee for same shall be not less than four hundred nor more than seven hundred dollars for such work.

On page forty, section ninety-nine, line twenty-five, by striking out after the word "purposes" the remainder of the section, and inserting in lieu thereof the words "provided, however, that nothing herein contained shall in any wise affect any person, firm or corporation now lawfully engaged in the sale of cemetery lots, unless such property be acquired by the city through purchase or condemnation."

Mr. Pettigrew moved to amend the bill on page thirty, section seventy-five, by adding after line twenty-four the following:

Such power to buy or build water works plants and other public utilities shall be construed to and shall embrace and include the right and power to buy or condemn under the law of West Virginia, the plant, plants, properties, franchise or franchises of any company, corporation, person, persons, firm or association furnishing water or electric light, or both, to the public of said city of Charleston, or all or a majority of the capital stock of any such company, corporation, firm, association, person or persons, or any interest therein, and in the event that any plant or plants, franchise, franchises or property shall be acquired hereunder, then the city council shall have full power and authority to manage and

control any such plant or plants, or any such interest therein, and provide ways and means to manage any such plant or plants for the benefit of the city, and to provide for the voting of any such majority stock or interest at any meeting of stockholders. The city shall further have the right, out of the income of any such plant or plants, or of the interest of the city in any such plant or plants, or otherwise, to provide a sinking fund or funds, and otherwise to handle the income of any plant or plants, or such interest therein, for the benefit of the city; and the city council shall have the power and authority to submit to the vote of the people, as provided in this section, the question of the purchase of such plant or property hereinabove mentioned, or of all or a majority of the stock of any public utility furnishing water or electricity, or both, or the controlling interest therein, to and for the benefit of the said city; and upon the affirmative vote of three-fifths of all the votes cast at an election held for said purpose to issue and sell bonds for the purpose of providing the necessary funds for the purchase of such plant, plants, properties, or all or a majority of the stock or interest of any company, corporation, firm, person, persons or association owning or holding such public utility or utilities, or interest therein, furnishing water or light, or both, to the public, in said city; and such purchase may be made subject to the outstanding bonds or other indebtedness of any such company, corporation, firm, person, persons or association, owning such public utility, providing always that in the submission of any such issue of bonds to the voters of the city, there shall be stated in the notice, the exact indebtedness which shall be upon the property proposed to be purchased, the full income of the property for each of the two fiscal years preceding. And upon the acquiring of any such property, stock, franchise, or other interest, as herein provided, the city council shall have the power to appoint such agents, officials and other necessary employees to manage, conduct and protect the property of the city, so acquired, as said council may deem necessary. The circuit court shall have jurisdiction by mandamus or otherwise, to compel the city council to meet and to compel it and its members to take action in connection herewith whenever the interests of the city shall be jeopardized by its failure to act in this respect.

In any construction of the law under this act, in cases where the city shall acquire and own a majority interest represented by stock or otherwise in any such public utility, the bonded indebtedness of the company, corporation, association, partnership, firm, person or persons, or other business entity which may own such public

utility, shall not be deemed an indebtedness of the city. In the condemnation of any stock or any other personal property hereunder, the mode of procedure may be governed by the law applicable to the condemnation of real estate.

Service of process in any such proceedings hereunder may be had by serving notice thereof upon the secretary, superintendent or other official or agent of such firm, association or corporation connected with or in charge of said business in the city of Charleston.

On motion of Mr. Pettigrew, the further consideration of the bill (H. B. No. 177), was made a special order for 2:30 P. M., this day.

The hour having arrived to which

Senate Bill No. 61—"A Bill to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen."

On second reading, was made a special order,

On motion of Mr. John, the bill (S. B. No. 61) was made a special order for Monday, February 10, at 11:00 A. M.

The hour having arrived to which

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

On second reading, was made a special order,

Pending the discussion,

Mr. Twyman moved that the further consideration of the bill be indefinitely postponed.

And on that question,

Mr. Rankin demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Brand, Brammer, Byrnes, Calhoun, Coon, Ferguson, Grove, Hays, Hickman, Hilleary, Howard, Kuykendall, Lantz, Mahan, McPherson, Neal (of Webster), Nutter, Peck, Rankin, Starcher, Thurmond, Twyman—22.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Bray, Capehart, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Hendricks, Hersman, Hobbs, Houvouras, John, Jones, Kern, Lester, Miller, Moore, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, O'Connor, Pedigo, Rouss, Shomo, Sturm, Swisher, Vaughn, Weiss, Williams (of Pleasants) and Wysong—41.

Absent and not voting:

Messrs. Bannister, Clements, Coberly, Coleman, Cosner, Cox, Godfrey, Harvey, Mollohan, Moran, Musser, McVey, Neale (of Cabell), Otto, Parsons, Perin, Pettigrew, Pridemore, Richards, Sarver, Scott, Shaw, Spangler, Stover, Summers, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—30.

So, a majority of those present and voting, having voted in the negative, the motion did not prevail.

On motion of Mr. Hale, the House recessed until 2:00 o'clock P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. John moved to amend the bill on page four, section thirteen, line four, by inserting after the word "law" the words "the actual cost thereof not to exceed"

And on that question,

Mr. John demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Brammer, Bray, Byrnes, Calhoun, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Harvey, Hendricks, Hersman, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Moran, McCauley, McClintic, McDermitt, McPherson,

Neal (of Webster), Nutter, Parsons, Peck, Rankin, Rouss, Shomo, Summers, Swisher, Thurmond, Twyman, Williams (of Pleasants) and Wysong—45.

The noes were:

Messrs. Blizzard, Coberly, Fortney (of Harrison), Hays, Hickman, Hilleary, Hobbs, Kern, Miller, Moore, Morris, Moulds, Musser, O'Connor, Starcher, Sturm and Weiss—17.

Absent and not voting:

Messrs. Bannister, Brand, Capehart, Clements, Coleman, Cosner, Cox, Hall, Hamilton, Mahan, Mollohan, McClaren, McVey, Neale (of Cabell), Otto, Pedigo, Perin, Pettigrew, Pridemore, Richards, Sarver, Scott, Shaw, Spangler, Stover, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—31.

So, a majority of those present and voting, having voted in the affirmative, the amendment was adopted.

Mr. John moved to amend the bill on page four, section thirteen, line six, by striking out the words "a sum" and inserting the words "the actual cost thereof."

Which motion did not prevail.

Mr. Ferguson moved to amend the bill on page five, section thirteen, by striking out lines twenty-three to twenty-nine, inclusive,

Which motion did not prevail.

Mr. Ferguson moved to amend the bill on page five, section thirteen, by striking out lines thirty-seven to forty-two, inclusive.

And,

On that question,

Mr. Ferguson demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bray, Calhoun, Ferguson, Fitch, Hackney, Harvey, Houvouras, Lantz, McCauley, McDermitt, McPherson, Neal (of Webster), Rankin, Rouss, Swisher, Thurmond, Twyman and Williams (of Pleasants)—18.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Byrnes, Capehart, Clements Coon, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Grove, Hale, Hall, Hamilton, Hayes, Hersman, Hickman, Hilleary, Hobbs, John, Kern, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, Nutter, O'Connor, Peck,

Pedigo, Pettigrew, Shomo, Starcher, Sturm, Vaughn, Weiss and Wysong—47.

Absent and not voting:

Messrs. Bannister, Coberly, Coleman, Cosner, Cox, Godfrey, Hendricks, Howard, Jones Mollohan, McVey, Neale (of Cabell), Otto, Parsons, Perin, Pridemore, Richards, Sarver, Scott, Shaw, Spangler, Stover, Summers, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—28.

So, a majority of those present and voting, not having voted in the affirmative, the motion did not prevail.

Mr. Rankin moved to amend the bill on page ten, by adding after line one hundred and three, the following: "*Provided*, this act shall not apply to Jackson county."

Which motion did not prevail.

Mr. Twyman moved that the bill (H. B. No. 115) be indefinitely postponed.

And,

On that question,

Mr. Brand demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Brammer, Calhoun, Ferguson, Fitch, Hersman, Howard, Jones, McClaren, McDermitt, McPherson, Neal (of Webster), Parsons, Rankin, Rouss, Swisher, Thurmond, Twyman and Williams (of Pleasants)—21.

The noes were:

Messrs. Blackhurst, Blizzard, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hilleary, Hobbs, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClintic, Nutter, O'Connor, Peck, Pedigo, Pettigrew, Shomo, Starcher, Sturm, Summers, Vaughn, Weiss and Wysong—45.

Absent and not voting:

Messrs. Bannister, Bray, Byrnes, Coleman, Cosner, Cox, Hackney, Hickman, Houvouras, Mollohan, Morris, McVey, Neale (of Cabell), Otto, Perin, Pridemore, Richards, Sarver, Scott, Shaw, Spangler, Stover, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—27.

So, a majority of those present and voting, having voted in the negative, the motion did not prevail.

The bill was then ordered to its engrossment and third reading.

The hour having arrived to which

House Bill No. 41—"A Bill establishing a building code, regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."

On second reading,

Was made a special order, was taken up for consideration.

Mr. Hays moved that the bill be read section by section, which was seconded by Mr. Rankin.

Pending the decision of the Chair,

On motion of Mr. Wysong.

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Harvey, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Parsons, Pedigo, Pettigrew, Pridemore, Shomo, Starcher, Sturm, Swisher, Twyman, Weiss and Wysong—56.

The noes were:

Messrs. Bland, Bray, Coberly, Hayes, Kuykendall, Lantz, McCauley, Neal (of Webster), Peck, Rankin Rouss and Thurmond—12.

Absent and not voting:

Messrs. Bannister, Clements, Coleman, Cosner, Cox, Hall, John, Mollohan, Neale (of Cabell), Otto, Perin, Richards, Sarver, Scott, Shaw, Spangler, Stover, Summers, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—25.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a votetaken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title.

On motion of Mr. Wysong, severally made, the bill was amended as follows:

In section twenty-three, line nine, after the word "material" strike out the semi-colon (;) insert a comma (,) and add "except in school buildings when inflammable films are used."

In section sixty-three, strike out lines thirty-seven to forty-two, inclusive, and insert therefor the following: "Closets and urinals, except sanitary closets approved by the public health council, shall not be placed nearer any occupied school building than fifty feet."

The bill was then ordered to its engrossment and third reading.

A message from the Senate by Mr. Arnold announced that the Senate had concurred in the House amendment, and passed as amended, to take effect from its passage.

Senate Bill No. 104—"A Bill to create and incorporate the municipal corporation of the 'city of Buckhannon,' in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof."

A message from the Senate by Mr. Harmer, announced the passage by that body of

Senate Bill No. 180—"A Bill to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston."

To take effect from the passage,

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Scherr, announced the concurrence of that body in the passage of

House Bill No. 19—"A Bill to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution."

And,

House Bill No. 15—"A Bill to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution."

A message from the Senate, by Mr. Scherr, announced the passage by that body of

Senate Bill No. 169—"A Bill to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of chapter fifteen-*j*, relative to the prevention of cruelty to animals, to become sections fourteen-*a*, fourteen-*b*, fourteen-*c*, fourteen-*d*, fourteen-*e*, fourteen-*f* and fourteen-*g* of chapter one hundred and forty-nine, Barnes' code of one thousand nine hundred and eighteen."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Cobun, announced the passage by that body of

Senate Bill No. 166—"A Bill to amend and re-enact sections three, seventeen and eighteen of the live stock sanitation law, chapter thirteen of the acts of one thousand nine hundred and fifteen."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Hough, announced the passage by that body of

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hogg's code of one thousand nine hundred and thirteen."

Amended by substitution, and asked the concurrence of the House therein.

A message from the Senate, by Mr. Duty, announced the passage by that body of

Senate Bill No. 80—"A Bill to amend and re-enact section fifteen of chapter one hundred and forty-four (being serial section five thousand one hundred and sixty-six) of the code of West Virginia, of one thousand nine hundred and thirteen."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Sanders, announced the passage by that body of

House Bill No. 96—"A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to lay a special levy to provide funds for paying same with interest."

Amended by substitution, and asked the concurrence of the House therein.

A message from the Senate, by Mr. Luther, announced the passage by that body of

Senate Bill No. 75—"A Bill providing for the regulation of the practice of the business of undertaking within the state of West Virginia, and providing penalties for violations thereof."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Harmer, announced the passage by that body of

Senate Bill No. 174—"A Bill to amend and re-enact sections eight-*b* and ten of chapter five of Barnes' code of one thousand nine hundred and sixteen."

And asked the concurrence of the House therein.

The hour having arrived to which

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-*a* of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-*a* of chapter fourteen of the acts of one thousand nine hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

On second reading, with pending amendments, was made a special order, was taken up for consideration.

The amendments were reported by the Clerk as follows:

On page ten, section twenty-six, line thirty-nine, by inserting after the word "Randolph" the following words "Hancock, Gilmer, Mason, Marshall, Wood, Calhoun, Tucker, McDowell, Logan, Barbour, Kanawha, Lewis, Preston, Lincoln, Hampshire, Raleigh, Braxton, Putnam, Webster, Mercer, Greenbrier, Berkeley, Jackson, Tyler, Boone, Brooke, Jefferson, Hardy, and Wayne."

The vote being taken, the amendments were severally adopted.

Mr. McCauley in the Chair.

Mr. Kuykendall moved to amend the bill by striking out section twenty-six and inserting in lieu thereof, the following:

Sec. 26. It shall be unlawful for any person to catch, kill or injure, or persue with intent to catch, kill or injure, any ruff grouse or pheasant or wild turkey, quail, wild duck, wild goose, brant, woodcock, plover, ortalan, sandpiper, snipe, gray, black fox, red squirrel, quail or rabbits between the first day of December and the first day of September of the following year, provided that the wood duck shall not be killed at any time within this state, and provided further that it shall be unlawful for anyone to kill more than two wild turkeys, more than twelve quail, or more than ten

squirrels in any one day; and it shall also be unlawful for any person to kill more than five wild turkeys or sixty quail during any open season;

And provided further, that it shall be lawful for any person or any of his children or agents to catch, kill or pursue at any time any rabbit upon his own land, or upon any land upon which he may be an actual bona fide resident, and also for the bona fide agent or the owner of such land to hunt or kill any rabbit thereon by the direction of said owner otherwise than by the use of a ferret; but, for the protection of orchards, gardens or young fruit trees or vines, rabbits may be lawfully hunted with ferrets by the owners thereof or their agents.

Which motion did not prevail.

On motions of Mr. Kuykendall, severally made, the bill was amended

On page fourteen, section forty-four, line twenty-eight by striking out the words "no fee shall be charged therefor by said clerk," and inserting in lieu thereof the words "for his services in issuing the same the clerk shall receive the sum of twenty-five cents."

On page fourteen, section forty-four, line thirty by inserting after the word "preceding" the words "except his fee."

Mr. Kuykendall moved to amend the bill on page fourteen, section forty-four, line eighteen by striking out the word "five" and inserting in lieu the word "eighteen."

Which motion did not prevail.

Mr. Mahan moved to amend the bill on page 15, section forty-four, by inserting after the word "caught" the words "except for use in the Ohio River."

Which motion did not prevail.

Mr. Neal (of Webster) moved to amend the bill on page five, section forty-four, by striking out after the word "cases" the words "pay to the clerk of the county court the sum of one dollar as a license tax."

Which motion did not prevail.

Mr. Lantz moved to amend the bill on page fifteen, section forty-four, by striking out beginning with the word "provided" in line thirty-five all that follows down to and including the word "land" in line thirty-eight.

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

Mr. Blackhurst from the Committee on Counties, Districts and Municipal Corporations, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

House Bill No. 266—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve (a), one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one and one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one

hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

H. BLACKHURST, *Acting Chairman.*

House Bill No. 177—"A Bill to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

On second reading, with pending amendment offered by Mr. Pettigrew this day, coming up for consideration, the amendment was reported by the Clerk.

On motion of Mr. Pettigrew the amendment was withdrawn.

Mr. Thurmond moved to amend the bill by

Striking out all of the lines seventeen to thirty-one inclusive, page twenty-two, and insert in lieu thereof, the following:

"The other commissioner of election for each of the precincts aforesaid, shall be appointed by the city council at the said meeting, the mayor not voting, and if the city council cannot agree upon such appointments or any of them, then they shall appoint the same, as follows:

"The Republican members shall appoint fifteen, and the Democratic members shall appoint fourteen, as follows:

"There shall be placed in a box, by the oldest member of the Finance Committee of the Democratic party, and the oldest member of the Republican party, twenty-nine numbers, from one to twenty-nine, both inclusive, all of which shall be written upon a separate paper and all of similar color and size of paper, and then the mayor shall draw out one number corresponding to the number

drawn and shall read it, and for the commissioner at that precinct, the Republican members of council shall select the third commissioner of election. Then the mayor shall proceed to draw out another number and for the precinct of that number and corresponding thereto, the Democratic members shall select the third commissioner, and so on alternately until the twenty-nine numbers shall be drawn out. The number drawn out in each instance, shall designate the number of the precinct for which either the Democratic members present or the Republican members present, shall select the commissioner of election. The persons so selected shall be commissioners of election for that precinct. The persons so selected shall be men of good moral character, who are not under conviction of bribery or corruption in an election, and who are not under indictment for any offence against the laws of the state or of the city or of the United States. Each commissioner shall be a qualified voter of the precinct for which he is selected.

In the event that any commissioner of election so selected, shall fail to appear at the voting precinct for the purpose of holding the said election, then the chairman of the committee of the party which such election commissioner represents, shall by writing, designate some other person duly qualified under the provisions of this section, to act as such commissioner who shall act as such commissioner of election."

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

Unanimous consent being given,

On motion of Mr. Parsons,

House Bill No. 65—"A Bill to provide for the protection of the traveling public on street and interurban railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motormen; relating to hauling freight, and spotters employed by the company."

Was made a special order for Monday, February 10th, at 2 o'clock, P. M.

The Speaker, *pro tempore*, resumed the Chair.

Unanimous consent being given,

Mr. Wysong offered the following resolution:

WHEREAS the Calendar has become very crowded, and

WHEREAS there are a number of important bills that should be enacted, therefore, be it

Resolved, That the Speaker appoint a Steering Committee of five members, to select the most important legislation for the day calendar and local legislation for the night calendar.

Which under the rules lies over one day.

On motion of Mr. Grove, the House adjourned.

MONDAY, FEBRUARY 10, 1919.

The House met at 10 o'clock, A. M.

Mr. Wolfe (Speaker) in the chair.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Brammer, the further reading thereof was dispensed with.

Unanimous consent being given,

On motion of Mr. Ferguson,

HOUSE JOINT RESOLUTION No. 9.

"Authorizing the state board of health to issue to Frank H. Fry, of Stiltner, Wayne county, West Virginia, a license to practice medicine and surgery."

WHEREAS, Frank H. Fry has been engaged in the practice of medicine for fifteen years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said Frank H. Fry is a respectable, honorable and intelligent citizen of said county of Wayne, which is attested by a petition of more than eight hundred citizens and tax payers residing in the section where said Fry has been practicing, and which said petition shows that there is not any practicing physician within a radius of eight miles, and

WHEREAS, The said Frank H. Fry is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, The said Frank H. Fry is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, by the legislature of West Virginia, That the state board of health, be and it is hereby authorized and requested to issue to

the said Frank H. Fry a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

Was taken up for immediate consideration and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hilleary, Hobbs, Howard, Jones, Kern, Lantz, Lester, Mahan, Miller, Moran, Moulds, Musser, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Peck, Pettigrew, Rankin, Richards, Shomo, Starcher, Sturm, Summers, Taylor, Twyman, Weiss, Wysong and Wolfe (Speaker)—52.

The noes were:

Messrs. Anderson, Brand, Coberly, Cuppett, Godfrey, Hamilton, Hersman, John, Moore, Morris, McCauley, McClaren, Parsons, Stover, Swisher and Vaughn—16.

Absent and not voting:

Messrs. Clements, Coon, Cosner, Cox, Cunningham, Hale, Hickman, Houvouras, Kuykendall, Mollohan, Neale (of Cabell), Otto, Pedigo, Perin, Pridemore, Rouss, Sarver, Scott, Shaw, Spangler, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—25.

So, a majority of those present having voted in the affirmative, the resolution was adopted.

Ordered, That Mr. Ferguson communicate to the Senate the adoption of the resolution (H. J. R. No. 9) and ask concurrence therein.

Unanimous consent being given,

On motion of Mr. Hall,

House Bill No. 257—"A Bill fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia."

On second reading, was taken up out of its regular order for consideration, read a second time and ordered to its engrossment and third reading.

Unanimous consent being given,

On motion of Mr. Calhoun,

House Bill No. 123—"A Bill to amend chapter forty-three, Barnes' code, one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-a, authorizing county

courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county."

On second reading, was taken up out of its regular order for consideration, and read a second time.

On motion of Mr. Bray the bill was amended on page five after line forty-two by adding a new section as follows:

Section 28-b. That in any case where the issuance of bonds
2 has been authorized by a vote of the people of any county, dis-
3 trict or districts, pursuant to chapter sixty-six of the acts of the
4 legislature of one thousand nine hundred and seventeen, for the
5 purpose of permanently improving roads therein, and in the
6 order or proceedings submitting to the voters the question of the
7 issuance of said bonds, such permanent improvements shall have
8 been prescribed or specified to be made by the use of any one
9 particular material authorized by law, and the county court of
10 the county may deem it expedient that the proposed permanent
11 improvements be made by the use of some other material author-
12 ized by law, to-wit; by the use of asphaltum, brick, concrete,
13 macadam, stone-block or other process of equal merit; such
14 county court shall upon the petition of twenty-five per cent of
15 the legal voters within the magisterial district or in each of two
16 or more magisterial districts in which such improvement is
17 located, or in such county, as provided in said section twenty-six,
18 submit to the voters of the county or the district or districts to be
19 affected, the question of permitting such permanent improve-
20 ment to be made by the use of any of the materials aforesaid.
21 Such question shall be submitted to the voters within sixty days
22 after such petition shall have been filed with the county court,
23 and the election thereupon held in the manner provided for
24 elections held pursuant to said sections twenty-six, twenty-seven
25 and twenty-eight of said chapter sixty-six; and if a majority of
26 the voters of such county, district or districts, who shall vote upon
27 the question, shall vote in favor of such proposed change in the
28 material and specifications for constructing said roads, the said
29 county court shall be authorized to make said change and to
30 construct such permanent improvements with any of the ma-
31 terials prescribed by law, to the same extent and with the same
32 effect as if such material had been originally specified for such
33 improvements.

34 That in any case where the issuance of bonds has been author-
35 ized by a vote of the people of any county or district, pur-
36 suant to said sections twenty-six, twenty-seven and twenty-eight
37 of said chapter sixty-six, for the purpose of permanently improv-
38 ing public roads therein; and in the order of proceedings sub-
39 mitting to the voters the question of granting authority for the
40 issuance of such bonds, the locations of roads to be improved have
41 been definitely fixed within certain limits, any of which do not
42 appear well adapted to the use of the general public or do not
43 appear as practical locations for public roads because of grades,
44 cost of maintenance or for any other good and sufficient reason,
45 and the county court shall deem it expedient to have such per-
46 manent improvements, or a part thereof, placed upon roads of
47 more practical location, within such county, district or districts,
48 it shall upon the petition of twenty-five per cent of the legal
49 voters within such district or in each of two or more magisterial
50 districts in which such improvement is located, or in such county,
51 as the case may be, to be ascertained as set out in section twenty-
52 six, submit to the voters of the county or district or districts, the
53 question of changing the original plan for such permanent im-
54 provements and placing all or any part thereof on roads of
55 different and more practical location within the county or dis-
56 trict, the roads to be improved to be described in the order sub-
57 mitting this question to the voters. Such question shall be sub-
58 mitted to the voters of the county, district or districts, as the
59 case may be, within sixty days after the filing of the petition with
60 the clerk of the county court; and the election thereupon held in
61 the manner provided for elections held pursuant to said sections
62 twenty-six, twenty-seven and twenty-eight of said chapter sixty-
63 six, acts of one thousand nine hundred and seventeen; and if
64 three-fifths of the voters of such county, district or districts, who
65 shall vote upon the question, shall vote in favor of such change
66 the county court shall be authorized to make such change and to
67 place the permanent improvements on the roads designated in
68 the order and proceedings submitting the question of a change
69 of location to the voters.

On motion of Mr. Fortney (of Preston), the bill was amended on page one, section twenty-two, line two, by striking out the word "shall" and inserting in lieu thereof the word "may".

The bill was then ordered to its engrossment and third reading.

Unanimous consent being given,

On motion of Mr. Lantz,

House Bill No. 77—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature one thousand nine hundred and seventeen, by adding thereto section twenty-eight-*a* relating to the distribution of class "a" road funds where bonds for the construction of class "a" roads have been issued by a district or districts of any county."

On first reading, was taken up out of its regular order for consideration, read a first time, and ordered to its second reading.

Unanimous consent being given,

On motion of Mr. Starcher,

House Bill No. 21—"A Bill to amend and re-enact section forty-seven of chapter fifteen-*h* of the code of West Virginia (Barnes' edition) one thousand nine hundred and sixteen relating to the weighting of coal."

On second reading, was taken up out of its regular order for consideration.

The bill not being on the desks of the members, further consideration was postponed.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 131—"A Bill to provide for the suppression of mob violence, and for the renumeration and proper distribution to dependents of or legal representatives of victims of lynchings, and punishment for participation in same."

And reports the same back without recommendation,

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 249—"A Bill fixing the annual allowance to the clerk of the county court of McDowell county."

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 108—"A Bill to amend and re-enact section twenty-three of chapter thirty of the code of West Virginia of one thousand nine hundred and thirteen."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 108, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

HOUSE JOINT RESOLUTION No. 9.

"Authorizing the state board of health to issue to Frank H. Fry, of Stiltner, Wayne county, West Virginia, a license to practice medicine and surgery."

WHEREAS, Frank H. Fry has been engaged in the practice of medicine for fifteen years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said Frank H. Fry is a respectable, honorable and intelligent citizen of said county of Wayne, which is attested by a petition of more than eight hundred citizens and tax payers residing in the section where said Fry has been practicing, and which said petition shows that there is not any practicing physician within a radius of eight miles, and

WHEREAS, The said Frank H. Fry is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, The said Frank H. Fry is an ethical practitioner, and is a useful man in his community; therefore, be it

Resolved, by the legislature of West Virginia, That the state board of health, be and it is hereby authorized and requested to issue to the said Frank H. Fry a license to practice medicine and surgery in all their branches, within this state, from and after the passage of this resolution.

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. C. HOWARD, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 246—"A Bill to amend and re-enact sections thirteen and fourteen of chapter one hundred and forty-four of Barnes' code, one thousand nine hundred and sixteen, of West Virginia relating to offenses against the person."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

House Bill No. 246, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hoggs' code of one thousand nine hundred and thirteen."

With Senate amendment by substitution coming up in regular order for consideration, the amendment was reported by the Clerk, as follows:

Senate substitute for

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen."

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen be, and is, hereby amended and re-enacted so as to read as follows:

Records—How Kept.

"Ses. 4 The proceedings of every court shall be entered in a book and the law orders read in open court by the clerk of the court. The law proceedings of each day shall be drawn up at large and read the next succeeding court day immediately after the court is opened and after being read and corrected where it is necessary shall be signed by the judge or presiding officer before the transaction of any other business, except those of the last day of the term and of the day on which the court may adjourn to a future day as prescribed in chapter one hundred and twelve of this code, which shall be drawn up and read and corrected where it is necessary and signed by the said judge or officer on the same day. The chancery

proceedings of each day shall be drawn up at large, and signed by the judge, after being corrected where it is necessary."

On motion of Mr. McClintic, the bill (House Bill No. 6) was made a special order for Wednesday, February 12th, at 2:00 o'clock, P. M.

House Bill No. 96—"A Bill to authorize the board of education of Town district, Raleigh county, to borrow or otherwise secure sufficient funds to finish construction of a public school building in the city of Beckley in said Town district, and to empower them to lay a special levy to provide funds for paying same with interest."

With Senate amendment by substitution coming up in regular order for consideration, the amendment was reported by the Clerk and agreed to as follows:

Senate substitute for House Bill No. 96—"A Bill authorizing the board of education of Town district, Raleigh county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a public school building in the city of Beckley, in said Town district."

Be it enacted by the Legislature of West Virginia:

Section 1. The board of education of Town district, Raleigh county, West Virginia, is hereby authorized, in the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, to lay a special levy not to exceed ninety-five cents on the one hundred dollars valuation of all property situate in said district, to pay for the completion of a public school building in the city of Beckley, Raleigh county, West Virginia, now in the course of construction.

Sec. 2. Such levies shall be assessed and collected as otherwise provided by law and the proceeds of the same shall be used for the purpose set forth in section one of this act, and for none other.

The bill, as amended by substitution, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand Brammer, Bray, Byrnes, Calhoun, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey,

Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Rankin, Richards, Rouss, Shomo, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—69.

The noes were:

None.

Absent and not voting:

Messrs. Capehart, Clements, Cosner, Cox, Godfrey, Hale, Hendricks, Hersman, Houvouras, Kuykendall, Mollohan, Neale (of Cabell), Nutter, Perin, Pridemore, Sarver, Scott, Shaw, Spangler, Starcher, Sturm, Thomas, Vanmeter and Williams (of Ohio)—24.

Ordered, That Mr. Cunningham communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 96) as amended by substitution.

The following resolution offered by Mr. Wysong, coming up for consideration, was read by the Clerk:

WHEREAS the Calendar has become very crowded, and

WHEREAS there are a number of important bills that should be enacted, therefore, be it.

Resolved, That the Speaker appoint a Steering Committee of five members, to select the most important legislation for the day calendar and local legislation for the night calendar.

On motion of Mr. Wysong, the resolution was laid over retaining its place on the calendar.

Mr. McClintic offered the following resolution:

WHEREAS, The term of the Legislature is nearing an end, as limited by the constitution: and,

WHEREAS, There are numerous bills pending before the Legislature which vitally affect the interests of the state at large; therefore, be it

Resolved, That the Committee on Rules is hereby authorized to arrange the calendar for each day in so far as all bills which materially affect the interests of the people are concerned; and be it further

Resolved, That until the calendar as arranged by the said committee shall have been disposed of, no other matter shall be considered of take precedence over the said arrangement, except by unanimous consent of the House.

Which, under the rules, lies over one day.

Mr. Grove presented telegraphic communications from C. W. Thatcher, president of the state horticultural society, I. I. Vanmeter,

president of the farm bureau, H. F. Thorn, chairman republican committee of Berkley county and W. H. Thomas, all of Martinsburg, West Virginia, urging the passage of the apple packing bill (House Bill No. 151).

Referred to the Committee on Immigration and Agriculture.

Mr. Lantz presented the petition of a committee of the teachers of Grant district, Wetzel county, asking for the enactment of the new school code.

Referred to the Committee on Education.

Mr. Hilleary presented a resolution passed by the farmer's club of Warren district, Upshur county, protesting against the raise in the salaries of state and county officers. Also, protesting against certain provisions of the new school code.

Referred to the Committee on Taxation and Finance.

Mr. Hall presented a communication from O. C. Haney, superintendent of Center district schools of Wetzel county, favoring the enactment of the new school code.

Referred to the Committee on Education.

The following bills were introduced, on motion for leave, read by their titles, and referred to their appropriate committees:

By Mr. Moore:

House Bill No. 272—"A Bill to amend and re-enact sections three, four-*a*, thirty, forty-one, forty-seven and forty-eight, of chapter eighteen of the acts of legislature of one thousand nine hundred and fifteen relating to the charter of the city of Cameron, Marshall county, West Virginia."

On motion of Mr. Moore, reference of the bill to a committee was dispensed with, and the bill ordered to its first reading.

By Mr. Otto:

House Bill No. 273—"A Bill to amend and re-enact chapter fifty-four-*c* of Barnes' code of one thousand nine hundred and sixteen by adding thereto sections twelve-*a* and twelve-*b*, relating to trust, guaranty and surety companies."

Referred to the Committee on the Judiciary.

By Mr. Godfrey:

House Bill No. 274—"A Bill fixing the annual allowance to the clerk of the circuit court of Mercer county."

On motion of Mr. Godfrey, reference of the bill to a committee was dispensed with and the bill ordered to its first reading.

By Mr. McClaren:

House Bill No. 275—"A Bill for the construction and repair of roads and bridges on the line between or connecting incorporated cities, towns and villages, within the same county."

Referred to the Committee on Roads and Internal Navigation.

Mr. Wysong in the chair.

The hour having arrived to which

Senate Bill No. 61—"A Bill to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen."

On second reading, was made a special order, the bill was read a second time.

On motions of Mr. Cuppett, severally made, the bill was amended as follows:

On page forty-five, section forty-three, line eleven, by striking out the word "sixty" and inserting in lieu thereof the word "ninety".

On page forty-five, section forty-three, line nineteen, by striking out the word "sixty" and inserting in lieu thereof the word "ninety"

On motion of Mr. O'Connor, the bill was amended on page forty-five, section forty-three, line twelve, by striking out the word "the" where it appears the second time in line twelve, down to and including the word "commissioner" in line sixteen.

On motion of Mr. McClintic, the bill was amended on page four, section two, line eleven, by inserting after the word "hereby" the words "fixed as the amount to be".

Mr. Coberly moved to amend the bill by striking out all of section twenty-two, on page twenty.

Which motion did not prevail.

Mr. Coberly moved to amend the bill on page twenty, section twenty-two, line five, by inserting after the word "occurring" the words "except for gross negligence."

Which motion did not prevail.

Mr. Capehart moved to amend the bill on page forty-three, section thirty-nine, line ten, by striking out the words "may in his discretion" and inserting in lieu thereof the word "shall".

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

Unanimous consent being given, the following bill was introduced:

By Mr. Bray:

House Bill No. 276—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the Legislature of West Virginia, chapter nine (9) of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

On motion of Mr. Bray, reference of the bill to a committee was dispensed with and the bill ordered to its first reading.

Unanimous consent being given, the following bill was introduced:

By Mr. Williams (of Pleasants):

House Bill No. 277—"A Bill relating to interest on high school bonds of Washington district, Pleasants county, West Virginia."

On motion of Mr. Williams (of Pleasants), reference of the bill to a committee was dispensed with and the bill ordered to its first reading.

On motion of Mr. Fortney (of Preston), the House recessed until 2:00 o'clock P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Unanimous consent being given, on motion of Mr. Twyman,

SENATE JOINT RESOLUTION No. 3

"Proposing an amendment to sections twenty-two and thirty-three of article six, of the constitution of this state".

On second reading, was taken up out of its regular order for consideration, read a second time and ordered to its third reading.

The following special message and report of the new Virginia debt commission were received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal:

SPECIAL MESSAGE.

CHARLESTON, W. Va., February 10, 1919.

To the Members of the Senate and the House of Delegates:

On the 6th instant you adopted a Senate Jount Resolution directing the New Virginia Debt Commission to make reply to certain questions therein stated.

I was not only greatly surprised but pained that you should have deemed it necessary to require the Sergeant-at-Arms of the Senate to serve a copy of the Resolution on the members of the Commission, instead of requesting the Chairman to convene it. Three of the four members of the Commission were appointed by my predecessor, only one having been appointed by me, but I want to say with all the earnestness at my command that the Commission and each member have been prompt to respond to every call, have worked earnestly, faithfully and diligently to get some concession from Virginia and from the certificate holders on the judgment standing against this State. None of the members has ever failed to respond to any call or has ever stopped short of any possible effort to obtain information that might be laid before you to assist you in dealing with the problem confronting you. Therefore, it is certainly to be greatly deplored that the Legislature should have felt impelled to direct the police officer of the Senate to search out the members of the Commission and serve them with a copy of its Resolution.

As soon as I learned of the adoption of the Resolution, in order to save the expense of having the Sergeant-at-Arms travel about over the State to call upon the members of the Commission, as well as to save the members the humiliation of being served with a process and also in order to save time, I wired the members of the Commission requesting they meet here Saturday afternoon, February 8, 1919. They responded and I transmit, herewith, their report submitted in reply to the questions propounded in your Resolution. In addition to transmitting that report, which is signed by all the members of the Commission, I desire to add:

If newspaper reports are correct, it has been stated by a member of the House in debate that the Resolution was adopted for the purpose "of compelling the minority party represented on the Virginia Debt Commission as its Chairman, to take a definite stand on the debt question, and with the majority, assume part of the responsibility of the case."

As a member of the Legislature of 1905 I was ready to assume my responsibility in this matter and I am ready to do so now. As recalled to you by the representative of the Virginia Commission in his address before you, a few days ago, when he and other members of the Virginia Commission came to this Capitol in 1905 armed with an act of the Virginia Legislature authorizing them to settle the debt controversy with this State, and directing them to institute a suit in the Supreme Court of the United States in the event they were unable to make such settlement, I was in favor of the appointment of a Commission to negotiate, if possible, a satisfactory settlement of the matter for submission to the Legislature, and urged that course insistently. I believe that we could not afford to risk a suit if a reasonable settlement could be obtained, and the Virginia Commission said that it would be satisfied with a reasonable settlement.

The Legislature and those in authority then did not respect my opinions or advice and decided that the proper tribunal to settle the controversy was the Supreme Court of the United States, where it was freely prophesied we would speedily win a glorious victory. I was even suspected, and charged in some quarters, of being sympathetic with or in the employ of the certificate holders, whose identity I did not then know and have never learned.

Following the refusal to treat with Virginia, the suit was instituted. I continued to urge the appointment of a Commission to investigate and negotiate, and, after I had retired from the Senate, prepared and caused to be introduced into the Senate a Resolution to that end, which, however, was promptly pigeonholed. Later, after the demurrer had been decided against West Virginia and the case lost, it remaining only for the Court to ascertain the amount of West Virginia's supposed liability, the Legislature did create a Commission and honored me by naming me a member thereof. However, as that Commission was purely honorary and no power whatever was vested in it, I declined the honor and my recollection is that first Commission never met. Certainly it did nothing more than meet.

Not having evaded any responsibility as a member of the Legislature, I desire to assure you I shall not evade any responsibility now. I am not flattering myself that my opinion and advice on this subject have at this late day become so valuable as to be so highly prized in this particular matter and to be unsought as to others. I do, however, flatter myself that I know what my duties are in the premises, both as Governor and as ex-officio a member of the New Virginia Debt Commission. I have tried to discharge my duty

conscientiously as a member of the Commission, as I believe every member of it will testify. In all our negotiations I declare I do not believe a single member of the Commission ever thought of partisan or political considerations.

I hope I may be pardoned for volunteering the suggestion that this Legislature should not repeat the mistake made by the Legislature of 1905 and allow this matter to drift for want of somebody to make the "goat." The Commission has told you it believes the proposition before you is probably the best one that can be obtained, but it declined to foreclose any effort on your part to obtain a better one if possible. Nor is it amiss to reflect upon the fact that the judgment has drawn 5% interest since July 1, 1915; that if you should elect to accept the proposition now before you, there would be a saving of $1\frac{1}{2}\%$ in the interest rate or more than five hundred (\$500.00) dollars per day in interest charges. Had such a settlement been made immediately after the judgment was rendered, more than three quarters of a million dollars in interest would have been saved up to the present time.

You have a definite proposition before you which followed and is the outgrowth of the Commission's negotiations, but a proposition which the Commission failed to get in full. The responsibility of accepting or rejecting that proposition is yours.

When you have acted, the matter will come to me and, as Governor, I will approve a proper settlement.

In view of the declarations of forcing me to assume responsibilities in this matter, I would not be frank if I did not say in all kindness that, if I understand our form of Government, responsibilities go with and are imposed upon majorities as a natural consequence, responsibilities that cannot be shifted or evaded, but in dealing with questions vital to the people, such as the one confronting you now, I conceive it to be the duty of the minority to co-operate with the majority in finding a proper solution, and not taking a contrary position merely for the purpose of obtaining some partisan advantage or of embarrassing the majority. I firmly believe that spirit of co-operation is possessed by the minority members of the Legislature. Tossing this question around with the hope of embarrassing somebody or of escaping a responsibility, I am quite sure never occurred to the Commission. Such a course, if pursued, would be unworthy of the representatives of a great State, whether legislative or executive officers.

Respectfully submitted,

JNO. J. CORNWELL, *Governor.*

REPORT OF THE NEW VIRGINIA DEBT COMMISSION.

To the Legislature of West Virginia:

The New Virginia Debt Commission convened at the office of the Governor, this the 8th day of February, 1919, in accordance with the following resolution:

“WHEREAS, By an act of the legislature of West Virginia, passed February 20, 1915, effective from passage, and approved by the governor, February 26, 1915, a ‘New Virginia Debt Commission’ was authorized and constituted, and its powers therein distinctly defined; and,

“WHEREAS, Section two of the aforesaid act reads as follows:

“ ‘Said commission, in conjunction with the attorney general, is authorized and directed to defend the case of the Commonwealth of Virginia against the State of West Virginia, now pending in the supreme court of the United States, as well as any other litigation that may spring out of said controversy, and is now fully authorized and empowered to do any and everything which in its judgment or discretion may be deemed necessary or best to that end; and it is likewise authorized, in the event a proper opportunity should present itself, to negotiate a settlement of said controversy, subject, however, to the ratification of the legislature of the State of West Virginia:’ and

“WHEREAS, It appears from the argument of the attorneys and advocates of each state that some agreement was made, or some proposition at least proposed by the commissions of the two states, relative to the adjustment of said difference out of court; and,

“WHEREAS, The legislature of West Virginia, desires the official opinion and recommendation of the New Virginia Debt Commission of West Virginia, instead of the private opinion of its members; therefore, be it

“*Resolved*, By the Senate of West Virginia, the House of Delegates concurring therein, that the New Virginia Debt Commission, as soon as convenient, make further report to the legislature of this State, answering the following:

"1. Was there an agreement between the commissions of the two states as to the amount West Virginia should pay to the State of Virginia, and how the same was to be paid?

"2. If any such agreement was made, does the commission recommend the ratification and execution of said agreement by the legislature of this State? And, be it further

"*Resolved*, That the legislature of this State will hold all action relating to the Virginia debt in abeyance until the incoming of the further report of the commission; and be it further

"*Resolved*, That upon the adoption of this resolution, the sergeant-at-arms of the Senate, forthwith, serve each member of the New Virginia Debt Commission of this State with a copy of the same."

Replying specifically to the inquiries in said resolution:

1. There was no agreement between the commissions of the two States as to the amount West Virginia should pay Virginia. There was a *bona fide* attempt to reach an agreement, of which you have been advised by our former report, by statement of Counsel and of three members of this Commission made to you in Executive Session and as we again reiterate in the following recital of facts:

The Act creating this Commission made it the duty of the Commission to provide for a proper defense of the debt suit and it also further provides:

"And it is likewise authorized, in the event a proper opportunity should present itself, to negotiate a settlement of said controversy, subject, however, to the ratification of the Legislature of the State of West Virginia."

This provision evidently was intended to provide for a possible settlement prior to the rendition of a judgment by the Supreme Court in which the Debt suit was pending at the time of the passage of the Act. Nevertheless, this Commission being desirous of rendering service to the Legislature and to the people of the State and especially of getting all information possible as to what might be done in the way of securing a concession on the judgment of the Court, as shown by the correspondence published in the recent report submitted to your Honorable Body by us, did undertake to negotiate a tentative settlement to submit to the Legislature for

ratification or rejection, notwithstanding the rendition of the judgment and the fact that there is a motion pending in the Court for its enforcement.

The correspondence further reveals that when we approached the Virginia Commission and asked a meeting we were informed that Commission had no authority to abate or reduce the judgment; that we then sought a conference with the Virginia Commission in conjunction with the certificate holders' committee upon the theory that the two *would have* authority to make a concession or an abatement of the judgment; that in reply to the request for a joint conference we were furnished with a copy of a resolution adopted by the certificate holders' committee refusing to meet representatives of this State until and unless this State formally acknowledged its liability and indicated its intention to satisfy the judgment.

Despite this rebuff, in our anxiety to secure some concession which we might submit to the Legislature, we then finally inquired if the Legislature, in its wisdom, elected to satisfy the judgment, whether bonds of the State of West Virginia would be accepted bearing a favorable rate of interest, realizing as we did, the difficulty which this State would encounter in marketing bonds, under existing conditions.

As stated in our previous report, this last inquiry led to a meeting with the Virginia Commission in Washington, November 14, 1918.

The Hon. Randolph Harrison, representing the Virginia Commission, having appeared before you, at your invitation, and discussed in detail the several points involved in our attempt to negotiate a settlement for your ratification or rejection, this Commission is now in a position to repeat what its Chairman reported to you in Executive Session, which was briefly:

1. The Virginia Commission requested and this Commission was compelled to agree that unless the proposition under discussion was recommended to you for your favorable consideration by this Commission that it would not be presented or submitted at all.

2. The proposition discussed in general terms was for Virginia to accept at par $3\frac{1}{2}\%$ bonds of the State of West Virginia in satisfaction of the judgment, less a cash payment of \$1,062,867.16.

3. That said bonds should be spread over a period of twenty years.

4. That West Virginia should retain in her Treasury or in escrow bonds covering the undiscovered or undeposited certificates, which we understood to amount to \$1,154,206.39.

This Commission left the Conference with the understanding and belief that the foregoing propositions were satisfactory to the Virginia Commission, but when we came to restate them to the Virginia Commission in writing, we were informed Virginia would *not* agree to the withholding of bonds by West Virginia covering the undeposited certificates. This Commission was unwilling to waive that point and, therefore, no agreement was reached and negotiations failed. That constituted the unsurmountable obstacle referred to in our recent report.

All these facts have been put before you in Executive Session by Special Counsel Judge Holt, by the Hon. E. T. England, Attorney General, and by three members of the Commission, at a time and in a way whereby the interests of the State would be properly protected.

In order that you may have full information as to all the details of the negotiations between the Commissions, we here submit the correspondence which passed between the Commissions subsequent to the Conference, which fully discloses the attitude of the Commission.

DECEMBER 11, 1918.

HON. HENRY H. DOWNING,
*Chairman, Virginia Debt Commission,
Front Royal, Virginia.*

DEAR SIR: The West Virginia Debt Commission, in session this day, decided to recommend to the Legislature of West Virginia a settlement of the judgment, as follows:

It will be proposed that the bonds to be issued shall be dated January 1, 1919, and bear three and one-half per cent interest per annum, payable annually, spread over a period of twenty years in such a way that the aggregate payment annually of principal and interest shall be equalized, as nearly as possible.

The amount of the judgment—\$12,393,929.50—bears interest at five per cent per annum from July 1, 1915, and on January 1, 1919, there will be an accumulation of the interest for three and one-half years, amounting to \$2,168,937.66, or a total of principal and interest of \$14,562,867.16.

It will be proposed to the Legislature that the issue of bonds shall be for \$13,500,000.00 and a cash payment of \$1,062,867.16 shall be made, plus interest at five per cent, on such cash payment from January 1, 1919, until the date of such payment.

In pursuance of our verbal understanding the Legislature will be informed that bonds shall be retained by West Virginia, or held in escrow, in an amount sufficient to cover the value of the unrepre-

sented so-called West Virginia certificates, such certificates to be redeemed as they may be presented during the term of the bonds.

Our recommendation will be that the bonds shall be payable in gold and be free from taxes in West Virginia.

If the proposed recommendation, with the slight changes as to details, conforms to the tentative agreement reached at the conference between the commissions sufficiently to be acceptable, the West Virginia Commission would be glad to be advised promptly, as the Legislature convenes January 8th and it will be necessary to have another meeting of the Commission to prepare the formal report.

For your further information the Statute creating this Commission provides that:

"It is likewise authorized, in the event a proper opportunity should present itself, to negotiate a settlement of said controversy, subject however, to the ratification of the Legislature of West Virginia."

Very truly yours,

JOHN J. CORNWELL,
Governor and Chairman
West Virginia Debt Commission.

JANUARY 1, 1919.

GOVERNOR JOHN J. CORNWELL,
Capitol Building,
Charleston, West Virginia.

DEAR SIR: Your letter of December 11, 1918, to Honorable H. H. Downing, Chairman, Virginia Debt Commission, was referred by him to a sub-committee of said Commission composed of the writer and Honorable H. T. Wickham, Honorable William A. Anderson and Honorable John R. Saunders, Attorney-General of Virginia, for consideration and reply, as shown by Mr. Downing's letter to you of December 20th, 1918.

We note from your letter that the West Virginia Debt Commission has decided to recommend to the Legislature of West Virginia a settlement of the judgment in favor of Virginia, on the tentative basis reached in the conference between the Commission, with

certain modifications as to detail suggested by you. The terms as outlined in your letter are as follows:

"1. The judgment, as of January 1, 1919, is

Principal.....	\$12,393,929.50
Interest at 5% from July 1, 1915, three and one-half years.....	\$ 2,168,937.66

Total, principal and interest..... \$14,562,867.16

"2. A cash payment of \$1,062,867.16 shall be made, plus interest at 5% on such payment from January 1, 1919, until paid; and bonds shall be issued for the residue, to-wit, \$13,500,000.00.

"3. The bonds to be issued shall be dated January 1, 1919, and bear 3½% interest per annum, *payable annually*, spread over a period of twenty years, in such a way that the aggregate payment annually of principal and interest shall be equalized as nearly as possible. The bonds shall be payable in gold coin, and be free from taxes in West Virginia.

"4. Bonds shall be retained by West Virginia, or held in escrow, in an amount sufficient to cover the value of the unrepresented so-called West Virginia certificates, such certificates to be redeemed as they may be presented during the term of the bonds."

Referring to my interview with you in Charleston on the 30th ultimo, and in pursuance of instructions of my Committee after a conference for the consideration of your letter, I beg to state,

(1) It would not be satisfactory to make the interest upon the bonds payable annually, as suggested. The low rate of interest which the bonds will bear, as you know, will affect their market value, and to make the interest payable annually would not only be extraordinary and unusual, but would further seriously depress their market value. It will be necessary, therefore, to provide that interest upon the bonds shall be payable *semi-annually*.

(2) In reference to equalizing payment of principal and interest, spread over a period of twenty years; it will be necessary for this to be done in such a way that the bonds can be equitably distributed. This purpose can be accomplished by making all of the bonds mature in twenty years, with a provision that they may be called on any interest day at par and accrued interest, and a further provision that West Virginia shall redeem proportionate amounts of the bonds annually, the bonds so redeemed to be determined by lot.

This will also be to the advantage of West Virginia, as it will enable her to go into the market and buy up the bonds if selling below par, and she would always be able to call the amount to be retired at par and interest, in any event.

(3) It would not be satisfactory, as suggested, that bonds should be retained by West Virginia, or held in escrow, in an amount sufficient to cover certificates not yet deposited with the Virginia Debt Commission. West Virginia has, and can have no concern about the undeposited certificates; nor is she in any way liable to see to the application of the fund. The suit was not upon the certificates, nor do they in any way impose any liability upon the State of West Virginia; and West Virginia's duty will have been fully performed when she has delivered to Virginia the cash and securities in settlement of the judgment of the Court.

(4) Provision should also be made for the payment in cash by West Virginia of one-half of the costs of suit, as provided by the terms of the decree.

In view of the foregoing, a brief summary of the terms of settlement would be as follows:

I. Settlement to be made as of January, 1, 1919,
total principal and interest, as of said date. \$14,562,867.16
to which is to be added one-half of the costs of said
suit.

II. Settlement to be made as follows:

To be paid in cash. \$ 1,062,867.16
said sum to bear interest at the rate of five per
centum per annum from January 1, 1919, to the date
of the payment thereof; together with one-half of
the cost of suit, as provided by the decree.

Bonds to be issued for the residue, to-wit, of the
face value of. \$13,500,000.00
dated January 1, 1919, payable on the 1st day of January, 1939, to
bear interest from the date thereof, payable semi-annually on the
first days of July and January in each year, at the rate of three and
a half per centum ($3\frac{1}{2}\%$) per annum, both principal and interest
to be payable in gold coin of the United States of the present
standard of weight and fineness, and to be exempt from any taxa-
tion by the state of West Virginia, or by any county or municipal
corporation thereof; with the proviso that the State of West Vir-
ginia may, on or after the. day of.
19., redeem at par and accrued interest on any interest
day, any part, or all, of the principal with accrued interest, and in

case of such redemption before maturity, the bonds to be so redeemed shall be determined by lot; West Virginia to make provision for the redemption at par and accrued interest, of proportionate amounts of the bonds annually.

Whether the bonds shall be both registered and coupon bonds, and the denominations in which they shall be issued, are details about which I will advise you later.

Believe me, my dear Sir, with great respect,

Yours very truly,

RANDOLPH HARRISON,

Chairman, Sub-Committee, Virginia Debt Commission."

As will be seen by the foregoing correspondence had Virginia receded from her objection to this State's withholding bonds covering the undeposited certificates, an agreement would have been concluded and the same submitted to you for your ratification or rejection. Our Commission would not have been averse to accepting the modifications suggested by Virginia providing for semi-annual instead of annual interest and for making all the bonds payable in twenty years.

Having thus finally failed, absolutely, to negotiate a tentative settlement for your consideration, for ratification or rejection by the Legislature, there was but one thing this Commission could do—submit the facts to you so far as we were able to state them without violating the understanding with the Virginia Commission not to submit the proposition without a favorable recommendation.

Your Commission is now advised that the Honorable Randolph Harrison, representing the Virginia Commission and the State of Virginia, when he appeared before you, at your invitation, and on behalf of the State of Virginia, waived his and its objection to this State retaining in her treasury or in escrow bonds, covering in amount the undeposited certificates.

The entire matter is, therefore, now before you. There is nothing whatever, before this Commission. It discharged its duty, in so far as it was able, after having diligently and persistently sought to work out a basis settlement which it could favorably recommend to you for your consideration. It was unable to get from Virginia the concession which that State, through Mr. Harrison, has since made direct to you. We succeeded in getting Virginia's consent to a settlement of the judgment by delivering to her $3\frac{1}{2}\%$ bonds, but as before stated, we were unwilling to turn over to Virginia bonds representing certificates which might never be produced. Virginia

has since said to you she will waive that objection and allow this state to retain such bonds.

This Commission therefore respectfully reports:

The question of accepting Virginia's proposition, made direct to you by Mr. Harrison, as a result of our negotiations, is one, as we understand it, wholly for the Legislature. Briefly stated again that proposition is:

1. That you satisfy the judgment with bonds delivered to the State of Virginia, at par, less the payment of \$1,062,867.16 and one-half the costs of the suit, as declared by the Court.

2. That the said bonds cover a period of twenty years and bear 3½% interest.

3. That this State retain in her treasury or in escrow bonds to the amount of the undeposited certificates to be turned over only when or if said outstanding and undeposited certificates are presented.

The market value of 3½% municipal and state bonds at the present time, we are advised, is approximately \$84.00 on the \$100.00. Whether, therefore, the Legislature desires to settle on the foregoing terms the judgment which the Supreme Court says it has the power to enforce, withholding bonds covering the undelivered certificates, a proposition which this Commission believes is the very best and only concession that can be obtained, is a matter for the Legislature and for no one else to determine.

Respectfully submitted,

JOHN J. CORNWELL, *Chairman*.

W. E. WELLS,

JOS. S. MILLER,

W. T. ICE, JR.,

WM. MCKELL.

The hour of 2 o'clock, P. M., having arrived,

House Bill No. 65—"A Bill to provide for the protection of the traveling public on street and interurban railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motor-men; relating to hauling freight, and spotters employed by the company."

Which was made a special order for that hour,

On second reading, coming up for consideration, was read a second time.

On motion of Mr. Weiss, the bill was amended at the end of section five, by adding the following:

"Provided, however, that the provisions of this section shall not apply to the carrying newspapers on any street car or car operated by any interurban railway company engaged in the transportation of freight or passengers."

Mr. Hilleary moved to amend the bill in section one, at end of line ten, by inserting the following: "or which, if used for a continuous run of fifteen or more miles, is not equipped with a toilet".

Which motion did not prevail.

On motion of Mr. Moore, the bill was amended by striking out sections six and seven and inserting in lieu thereof the following:

"Sec. 6. Any person violating any of the provisions of this act shall be punishable by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or imprisonment in jail for not more than thirty days, and each day's violation shall constitute a separate and distinct offense".

On motions of Mr. Miller, severally made, the bill was amended as follows: On page one, line four, by inserting after the word "officer" the words "agent or employee"; on page four, line four, same amendment, and on page four, section three, line four, the same amendment.

Mr. Swisher moved to amend the bill on page one, section one, line five, by inserting after the word "operated" the word "regularly".

Which motion did not prevail.

Mr. Swisher moved to amend the bill on page four, section two, line ten, by striking out the words "forty-five" after the first "of" and inserting in lieu thereof the word "sixty".

Which motion did not prevail.

On motion of Mr. Swisher, the bill was amended on page four, section three, line ten, by adding thereto the following: "and it shall be unlawful for any employee to operate any car not so equipped".

Mr. Swisher moved to amend the bill on page four, section four, line one, by inserting after the word "operate" the word "regularly".

Which motion did not prevail.

On motion of Mr. McClintic, the bill was amended on page four, section three, line ten, by striking out the word "sixty" and inserting in lieu thereof the word "fifty".

Mr. Summers moved to strike out the enacting clause, and

On that question, Mr. O'Connor demanded the ayes and noes,

The demand not being sustained, thereupon the Speaker put the motion,

Which did not prevail.

The bill, as amended, was then ordered to its engrossment and third reading.

House Bill No. 153—"A Bill to regulate the practice of architecture in the state of West Virginia."

On third reading, coming up in regular order for consideration, was read a third time.

Mr. Coon moved that the bill be placed back on second reading, for the purpose of amending.

Mr. Hersman rose to the point of order "that the time had elapsed whereby a reconsideration of the vote by which the bill was ordered to its third reading could be had".

Which point of order, the Chair held was well taken.

Thereupon,

On motion of Mr. Wysong, the bill was laid over until tomorrow (February 11th), retaining its place on the calendar.

Unanimous consent being given, on motion of Mr. Hersman,

House Bill No. 248—"A Bill to amend and re-enact section thirty-nine of chapter twenty-nine of the code, relating to the assessment of taxes upon oil and gas interests, and the method of collecting the same".

On first reading, was taken up out of its regular order for consideration, read a first time and ordered to its second reading.

A message from the Senate, by Mr. Staats, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 15.

"Proposing an amendment to the Constitution of this State."

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the following amendment to the Constitution of this State be, and the same is hereby agreed to, to-wit:

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing or maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time shall not exceed fifty million dollars.

When a bond issue as aforesaid is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Bloch, announced that the Senate had amended, and passed as amended,

House Bill No. 78—"A Bill to amend section four hundred eighty-three (as amended by section thirty-two of Barnes' code of nineteen hundred fifteen, C-ten) five hundred thirty, five hundred thirty-one, five hundred thirty-two and five hundred thirty-three of G-fifteen-H, and section five thousand one hundred seventy-six of C-one hundred forty-four, nineteen hundred thirteen, and section thirty-three of nineteen hundred fifteen, C-ten, and all other acts or parts of acts in conflict with the provisions of this act entitled 'A Child Labor Law.' "

And requested the concurrence of the House in the amendments.

House Bill No. 151—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

Mr. Swisher moved that the announcement of the vote be postponed until tomorrow, (Tuesday, February 11th).

Which motion did not prevail,

Whereupon,

The vote, on the passage of the bill, was announced as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Fortney (of Harrison), Fortney (of Preston), Grove, Hamilton, Harvey, Hays, Hickman, Hilleary, Howard, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClintic, McVey, Neal (of Webster). Nutter, O'Connor, Peck, Pedigo, Rankin, Rouss, Shomo, Starcher, Stover, Sturm, Summers, Thurmond, Vaughn, Weiss, Wysong and Wolfe (Speaker)—53.

The noes were:

Messrs. Brand, Ferguson, Fitch, Godfrey, Hall, Hobbs, Jones, Mahan, McDermitt, McPherson, Otto, Richards, Shaw, Swisher, Twyman and Williams (of Pleasants)—16.

Absent and not voting:

Messrs. Bannister, Blizzard, Coberly, Coon, Cosner, Cox, Cuppett, Hackney, Hale, Hendricks, Hersman, Houvouras, Neale (of Cabell), Parsons, Perin, Pettigrew, Pridemore, Sarver, Scott, Spangler, Taylor, Thomas, Vanmeter and Williams (of Ohio)—24.

Ordered, That Mr. Grove, communicate to the Senate the passage of the bill (H. B. No. 151) and ask concurrence therein.

Mr. McCauley in the Chair.

Senate Bill No. 8—"A Bill to require judgments and decrees of the circuit and districts courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Grove, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Lantz, Miller, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Otto, Peck, Pedigo, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—61.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Blizzard, Capehart, Coberly, Coon, Cosner, Cox, Cuppett, Fortney (of Preston), Hackney, Hale, Hersman, Houvouras, John, Kuykendall, Lester, Mahan, Mollohan, Moore, Neale (of Cabell), O'Connor, Parsons, Perin, Pridemore, Sarver, Scott, Spangler, Taylor, Thomas, Vanmeter, Williams, (of Ohio) and Wolfe (Speaker)—32.

Ordered, That Mr. Wysong communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 8).

A message from the Senate, by Mr. York, announced the passage by that body of

Senate Bill No. 203—"A Bill relating to advertisements of certain remedies."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Scherr, announced the passage by that body of

Senate Bill No. 56—"A Bill to amend sections six, sixteen and forty-four of chapter forty-six-a of the code of West Virginia, relating to the care of dependent, neglected or delinquent children."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Harmer, announced the passage by that body of

Senate Bill No. 179—"A Bill to amend and re-enact sections seventy-four and eighty-six of chapter three of the code concerning elections."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Gribble, announced the passage by that body of

Senate Bill No. 186—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

And asked the concurrence of the House therein.

Senate Bill No. 16—"A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, one thousand nine hundred and thirteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Coon, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Pettigrew, Rankin, Richards, Rouss, Shaw, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Capehart, Clements, Coberly, Cosner, Cox, Cunningham, Cuppett, Fortney (of Preston), Grove, Hackney, Hale, Hall, Houvouras, Moore, Morris, McPherson, Neale (of

Cabell), Parsons, Perin, Pridemore, Sarver, Scott, Shomo, Spangler, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—29.

Ordered, That Mr. Pedigo communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 16).

Senate Bill No. 35—"A Bill to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Pettigrew, Rankin, Rouss, Shaw, Shomo, Stracher, Stover, Sturm, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—62.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Capèhart, Coberly, Cosner, Cox, Cuppett, Fortney (of Preston), Grove, Hackney, Hale, Harvey, Houvouras, Howard, Lester, Moore, Moran, McPherson, Neale (of Cabell), Parsons, Perin, Pridemore, Richards, Sarver, Scott, Spangler, Summers, Thomas, Thurmond, Vaughn, Vanmeter and Williams (of Ohio)—31.

Ordered, That Mr. Neal (of Webster), communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 35).

Unanimous consent being given, on motion of Mr. McClintic (on behalf of Mr. Hackney),

House Bill No. 171—"A Bill to amend and re-enact sections seventy, eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine), seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."

On first reading, was taken up out of its regular order for consideration, read a first time, and ordered to its second reading.

The Speaker announced the appointment of Fred Conley and Forest Sevey as floor pages, which appointments are to be effective from the beginning of the session.

The Speaker announced that Mr. John would be in the Chair at the night session.

On motion of Mr. Weiss, the House recessed until 7:30 o'clock, P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

Mr. John in the chair.

On motion of Mr. Anderson leave of absence was granted to Mr. Perin.

House Bill No. 266—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve (a), one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one and one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d,

nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine one hundred and thity, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

A message from the Senate by Mr. Cobun, announced the passage by that body of

Senate Bill No. 164—"A Bill to amend and re-enact sections three, eight, twenty and twenty-three of chapter five, of the third extraordinary session of the legislature, one thousand nine hundred and sixteen, concerning primary elections, the nominations of candidates, the regulation of political parties and party committees."

And asked the concurrence of the House therein.

House Bill No. 152—"A Bill to amend and re-enact section two of chapter twenty-one of the acts of one thousand nine hundred and fifteen, (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Tuesday of May in the year one thousand nine hundred and fifteen."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

House Bill No. 177—"A Bill to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hun-

dred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

On third reading, coming up in regular order on the special calendar for consideration, was read a third time.

Unanimous consent being given,

On motion of Mr. McClintic, the bill was amended on page one, line six, by inserting after the word "ninety-eight" the words "ninety-nine, one hundred, one hundred and one and one hundred and two."

The bill was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Clements, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hays, Hendricks, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Miller, Mollohan, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Otto, Peck, Pettigrew, Rankin, Shaw, Shomo, Stracher, Stover, Sturm, Summers, Taylor, Weiss, Williams (of Pleasants) and Wysong—56.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Calhoun, Capehart, Coberly, Coon, Cosner, Cox, Cuppett, Hale, Hall, Hamilton, Harvey, Hersman, Hobbs, Lester, Mahan, Moore, Moran, Neale (of Cabell), O'Connor, Parsons, Pedigo, Perin Pridemore, Richards, Rouss, Sarver, Scott, Spangler, Swisher, Thomas, Thurmond, Twyman, Vaughn, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—37.

On motion of Mr. McClintic, the title was amended in line eight by inserting after the word "ninety-eight" the words "ninety-nine, one hundred, one hundred and one and one hundred and two."

Mr. McClintic moved that the bill take effect from its passage.

Pending the announcement of the vote,

On motion of Mr. McClintic, the announcement of the vote was postponed until tomorrow, Tuesday, February 11th, at 10:30 o'clock, A. M.

Senate Bill No. 161—"A Bill to authorize the county court of the county of Marion to establish and maintain a county law library."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

The bill was then ordered to its third reading.

House Bill No. 196—"A Bill to fix the salary of the prosecuting attorney of Barbour county."

On second reading, coming up in regular order on the special calendar for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 250—"A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."

On second reading, coming up in regular order on the special calendar for consideration, was read a second time.

Senate Bill No. 200—"A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

On motion of Mr. Weiss, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

On the further motion of Mr. Weiss, Senate Bill No. 200, on second reading, was substituted for House Bill No. 250, on second reading.

On the further motion of the same gentleman,

House Bill No. 250—"A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."

Was laid on the table.

House Bill No. 148—"A Bill to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five of the acts of one thousand nine hundred and seventeen."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

House Bill No. 276—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine (9) of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

House Bill No. 277—"A Bill relating to interest on high school bonds of Washington district, Pleasants county, West Virginia."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

House Bill No. 181—"A Bill to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety-five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 201—"A Bill to authorize the state board of control to purchase, for the West Virginia Industrial School for boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business."

On first reading, coming up in regular order on the special calendar for consideration, was read a first time and ordered to its second reading.

On motion of Mr. Weiss, the House adjourned.

TUESDAY, FEBRUARY 11, 1919.

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Shaw, the further reading thereof was dispensed with.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 258—"A Bill to amend and re-enact sections fifty-a, twenty-eight-b-one, fifty-b-twenty-eight-b-two, fifty-h-twenty-eight-b-eight, fifty-1-twenty-eight-b-twelve, fifty-yy-twenty-eight-b-twenty-nine of chapter three of Hogg's code of West Virginia, relating to primaries and convention nominations, and providing for the ascertainment and publication of the results thereof."

Also,

House Bill No. 263—"A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividend and income from cash stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide

by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."

And,

Senate Bill No. 23—"A Bill to amend and re-enact serial section four thousand three hundred and sixty-one of chapter one hundred and forty-nine of the code of West Virginia of one thousand nine hundred and six, concerning houses of ill-fame, and declaring such as common and public nuisances, and providing for the abatement thereof."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

Mr. Moore from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration.

HOUSE JOINT RESOLUTION No. 10.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to M. W. Hefner of Burnsville, West Virginia, a license to practice law in the courts of said state."

And,

HOUSE JOINT RESOLUTION No. 3.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to Lee A. Dingess, of Halcyon, West Virginia, a license to practice law in the courts of said state."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman*.

House Joint Resolution No. 10, having been reported by its title, the Speaker propounded the question "Shall the resolution be rejected?"

The vote being taken, the resolution was not rejected.

House Joint Resolution No. 3, having been reported by its title, the Speaker propounded the question "Shall the resolution be rejected?"

The vote being taken, the resolution was not rejected.

The hour having arrived to which the announcement of the vote making

House Bill No. 177—"A Bill to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

Effective from passage, was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hamilton, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Shomo, Starcher, Stover, Sturm, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe Speaker)—73.

The noes were:

Messrs. Hall, Hays, McCauley, Neal (of Webster) and Thurmond—5.

Absent and not voting:

Messrs. Cosner, Cox, Hackney, Harvey, Houvouras, Lester, Neale (of Cabell), Perin, Scott, Spangler, Summers, Swisher Thomas, Vanmeter and Williams (of Pleasants)—15.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 177) takes effect from its passage.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill and request concurrence therein.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 270—"A Bill to amend and re-enact section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia in regulation of the license tax required of hawkers and peddlers."

And report the same back with the recommendation that do not pass.

Respectfully submitted,

S. L. PARSONS, *Chairman*.

House Bill No. 270, having been reported by its title, the Speaker propounded the question, "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 93)—An Act fixing the annual allowance to the clerks of the county and circuit courts of Boone county.

Also,

(H. B. No. 44)—An Act to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington.

Also,

(H. B. No. 43)—An Act to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal.

Also,

(H. B. No. 94)—An Act to create the municipal corporation of the "City of Montgomery," in the county of Fayette, to grant a

charter thereto, and to annual the charter of the "Town of Montgomery."

And,

(H. B. No. 14)—An Act pertaining to the public health.

Respectfully submitted,

W. L. POLING,
Chairman Senate Committee.

W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the tenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 93)—An Act fixing the annual allowance to the clerks of the county and circuit courts of Boone county.

Also,

(H. B. No. 44)—An Act to amend and re-enact chapter three of the acts of the legislature of one thousand nine hundred and nine, incorporating the city of Huntington, as amended by chapter seventy-three of the acts of the legislature of one thousand nine hundred and thirteen, and chapter seven of the acts of the legislature of one thousand nine hundred and fifteen, and to repeal certain sections of the said chapters of said acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act, and to consolidate into one act the whole charter of the city of Huntington.

Also,

(H. B. No. 43) An Act to amend and re-enact section fifteen of chapter forty-eight-a of the code of one thousand nine hundred and sixteen, relating to the salary of the state fire marshal.

Also,

(H. B. No. 94)—An Act to create the municipal corporation of the "City of Montgomery," in the county of Fayette, to grant a

charter thereto, and to annul the charter of the "Town of Montgomery."

And,

(H. B. No. 14—)An Act pertaining to the public health.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 121)—An Act to amend and re-enact sections one, ten, twenty-six, forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown.

Also,

(H. B. No. 136)—An Act amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled 'An act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof, and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven, and forty-two of chapter twelve of the acts of one thousand nine hundred and five, entitled 'An act incorporating the city of McMechen, in the county of Marshall fixing its corporate limits, and prescribing and defining the powers and duties thereof.' "

Also,

(H. B. No. 137)—An Act to amend and re-enact chapter two of the acts of the year one thousand nine hundred and five, and chapter one of the acts of the year one thousand nine hundred and seven, of the legislature of West Virginia, amending the charter of "the city

of Benwood," in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof.

Respectfully submitted,

W. L. POLING,
Chairman Senate Committee.

W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the tenth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 121)—An Act to amend and re-enact sections one, ten, twenty-six forty-seven, fifty-one, fifty-two and sixty-one of chapter one hundred and thirteen of the acts of one thousand nine hundred and seventeen, creating the city of Morgantown.

Also,

(H. B. No. 136)—An Act amending and re-enacting chapter twelve of the acts of one thousand nine hundred and five, entitled "An act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof, and chapter three of the acts of one thousand nine hundred and fifteen, regular session, municipal charters, amending and re-enacting sections two, four, five, eleven, thirteen, sixteen, twenty-four, twenty-six twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, thirty-six, thirty-seven, and forty-two of chapter two of the acts of one thousand nine hundred and five, entitled 'An act incorporating the city of McMechen, in the county of Marshall, fixing its corporate limits, and prescribing and defining the powers and duties thereof.' "

And,

(H. B. No. 137) An Act to amend and re-enact chapter two of the acts of the year one thousand nine hundred and five, and chapter one of the acts of the year one thousand nine hundred and seven, of the legislature of West Virginia, amending the charter of "the city of

Benwood," in the county of Marshall, fixing its corporate limits and prescribing and defining the powers and duties thereof.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Hough from the Committee on Roads and Navigation, submitted the following report, which was received:

Your Committee on Roads and Navigation beg leave to report that on Friday, January 17th, it appointed a sub-committee to act jointly with a similar sub-committee of the House Committee on Roads and Internal Navigation, and said joint sub-committee has had under consideration,

House Bill No. 275—"A Bill for the construction and repair of roads and bridges on the line between or connecting incorporated cities, towns and villages, within the same county."

And said joint sub-committee report the same back with the recommendation that it do pass.

Respectfully submitted,

ELMER HOUGH,

Chairman Joint Sub-Committee.

Approved and endorsed by House Committee on Roads and Navigation.

J. J. SWISHER, *Chairman.*

Mr. Hough, from the Committee on Roads and Navigation, submitted the following report, which was received:

Your Committee on Roads and Navigation beg leave to report that on Friday, January 17th, it appointed a sub-committee to act jointly with a similar sub-committee of the House Committee on Roads and Internal Navigation, and said joint sub-committee has had under consideration,

House Bill No. 234—"A Bill to amend and re-enact section one hundred and eighteen, of chapter sixty-six of the acts of the legislature, one thousand nine hundred and seventeen, concerning public roads."

Also,

House Bill No. 239—"A Bill to amend and re-enact sections one hundred and thirty-two and one hundred and thirty-three, chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen known as the good road law."

And said joint sub-committee report the same back with the recommendation that they do not pass.

Respectfully submitted,

ELMER HOUGH,

Chairman Joint Sub-Committee.

Approved and endorsed by House Committee on Roads and Navigation.

J. J. SWISHER, *Chairman.*

House Bill No. 234, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 239, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Hough from the Committee on Roads and Navigation, submitted the following report, which was received:

Your Committee on Roads and Navigation beg leave to report that on Friday, January 17th, it appointed a sub-committee to act jointly with a similar sub-committee of the House Committee on Roads and Internal Navigation, and said joint sub-committee has had under consideration,

House Bill No. 221—"A Bill to amend and re-enact section twenty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."

And said joint sub-committee report the same back without recommendation

Respectfully submitted,

ELMER HOUGH,

Chairman Joint Sub-Committee.

Approved and endorsed by House Committee on Roads and Navigation.

J. J. SWISHER, *Chairman.*

CHARLESTON, WEST VA., FEB. 10, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates.

DEAR SIR:

The Senate has amended and passed as amended

House Bill No. 151—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."

And respectfully asks the concurrence of your honorable body in the bill as amended, which is herewith transmitted.

Yours truly,

JOHN T. HARRIS,

Clerk of the Senate.

CHARLESTON, W. VA., FEBRUARY 8, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates,

DEAR SIR:

The Senate has this day rejected the following bills:

House Bill No. 1, House Bill No. 27, House Bill No. 83, House Bill No. 113.

Said bills are returned herewith.

Yours very truly,

JOHN T. HARRIS,

Clerk of the Senate.

The hour having arrived to which

House Bill No. 107—"A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the said state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

On second reading, was made a special order, coming up for consideration, was read a second time,

Mr. Lantz moved to amend the bill by striking out all of section six, and inserting in lieu thereof the following:

"Sec. 6. All taxes assessed under the provisions of this act shall be due and payable immediately upon receipt of the notification of the amount of such assessment provided for in section five of this act, and every person, firm and corporation so assessed shall pay such tax into the treasury within thirty days after receipt of such notification. The proceeds of such license tax shall be placed to the credit of the state road fund."

Which motion did not prevail.

On motion of Mr. Taylor, the bill was amended on page five, section four, in lines three and four, by striking out the word "seventeen" and inserting in lieu thereof the word "nineteen."

On motions of Mr. John severally made, the bill was amended as follows:

On page four, section two, by adding after line thirteen, the following:

"Provided, that where gas or oil passes through more than one such station, such further annual license tax shall be charged but once; and further, that the use of gas on the leasehold for purely mechanical purposes in the further production of oil or gas therefrom shall not be deemed a transportation within the meaning of this act."

Also,

On page seven, section six, by adding after line twelve, the following:

"Provided, that the state tax commissioner may deduct from the proceeds of such license taxes, in each such fiscal year, not to exceed the sum of fifteen thousand dollars for the purpose of paying the costs and expenses of the state tax commissioner and his assistants required in administering the provisions of this act."

Also,

On page eight, section seven, line four, by striking out the words "appropriate judicial proceeding" and inserting in lieu thereof the words "any other remedy now or hereafter provided by law for the collection of taxes."

And,

On page nine, by adding a new section, as follows:

"Section 10. That the sections, provisions and clauses of this act shall be deemed separable each from the other, and also in respect to the persons, firms and corporations mentioned therein or affected thereby, and if any separable part of this act be, or be held to be unconstitutional, or for any reason invalid or unforceable, the remaining parts thereof shall be and remain in full force and effect."

Mr. McClintic moved to amend the bill on page one, section one, line three, after the word "lines" by inserting the words "over six miles in length."

Which motion did not prevail.

Mr. Williams (of Pleasants), moved to amend the bill on page four, by adding a new section, as follows:

"Section 1-a. Every person, firm or corporation (hereinafter called company) engaged in this state in the mining or production of coal for sale or use within or without the state, shall pay to the state an annual license tax equal to five cents per ton for each ton of two thousand pounds transported or conveyed within the state."

Which amendment the Speaker declared out of order because it is not germane to the subject matter of the bill.

Mr. Williams (of Pleasants), moved to amend the bill on page four, by adding a new section, as follows:

"Section 1-a. Every person, firm or corporation (hereinafter called company) engaged in this state in the manufacture of lumber for sale within or without the state, shall pay to the state an annual license tax equal to twenty-five cents per thousand feet for each twenty-five miles or fraction thereof, such lumber is transported or conveyed within the state."

Which amendment the Speaker declared out of order because it is not germane to the subject matter of the bill.

The bill was then ordered to its engrossment and third reading.

House Bill No. 78—"A Bill to prohibit and regulate the employment of minors."

Being a message from the Senate of yesterday with Senate amendments, coming up in regular order for consideration, the amendments were reported by the Clerk and agreed to.

The amendments are as follows:

On page three, section three, line eight, after the word "writing," strike out the following:

"*Provided*, that nothing herein contained shall be construed to require a permit for any child to engage, at any time when the school which such child attends, or should attend, is not in session, in any employment that is not dangerous to life or limb, or injurious to health or morals, for any period not to exceed thirty days."

On page ten, section six, line seven, after the word "day," strike out the following: "The presence of such child in any manufacturing establishment for a period of two hours or more during working hours shall be *prima facie* evidence of its employment therein."

On page eleven, in section seven, beginning in line nine, after the word "jurisdiction," by striking out the following: "The state commissioner of labor is hereby given authority to appoint two additional factory inspectors, one of whom shall be a woman, to aid in the enforcement of this act."

The bill as amended was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Kern, Mahan, Miller, Moore, Morris, Moulds, Musser, McClintic, McDermitt, Nutter, O'Connor, Otto, Parsons, Peck, Pertigrew, Rankin, Richards, Sarver, Shaw, Shomo, Starcher, Sturm, Taylor, Twyman, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—53.

The noes were:

Messrs. Bray, Calhoun, Capehart, Coberly, Ferguson, Godfrey, Hale, Hamilton, Harvey, Hays, Jones, Kuykendall, Lantz, Mollohan, Moran, McCauley, McClaren, McPherson, McVey, Neal (of Webster), Pedigo, Pridemore, Rouss, Swisher, and Thurmond—25.

Absent and not voting:

Messrs. Cosner, Cox, Hackney, Hall, Houvouras, Lester, Neale (of Cabell), Perin, Scott, Spangler, Srover, Summers, Thomas, Vaughn and Vanmeter—15.

Ordered, That Mr. Blizzard communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 78) as amended by the Senate.

House Bill No. 151—"A Bill to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit."

Being a message from the Senate, with Senate amendments coming up in regular order for consideration, the amendment was reported by the Clerk and agreed to.

The amendment is as follows:

By striking out all of said bill, following the enacting clause and inserting in lieu thereof the following, as new sections one, two and three:

Section 1. There is hereby established a demonstration community packing house to be located in the principal apple growing section of the state, for the purpose of demonstrating the most approved methods of picking, sorting and packing apples, peaches, and similar fruit, and for the purpose of teaching any citizen of

West Virginia approved methods of picking, sorting and packing said fruit in barrels, boxes or other containers, and for the purpose of carrying the provisions and purposes of this act into effect a committee is hereby created consisting of the dean of the college of agriculture of West Virginia university, the commissioner of agriculture, the president of the state horticultural society, the chairman of the horticultural committee of the state federation of farm bureau, and horticulturist of the West Virginia agricultural experiment station. It shall be the duty of the state board of control to procure a site, erect buildings and pre-cooling room and provide the equipment and necessary space for the aforesaid demonstration. It shall be the duty of the state board of control when said building and school are provided and equipped as above stated to turn it over to the college of agriculture of the West Virginia university for operation and the carrying out of the purposes and intents herein set forth.

Sec. 2 Any appropriation hereafter made to carry out the provisions and purposes of this act shall be expended through the state board of control.

Sec. 3. All acts or parts of acts inconsistent herewith are hereby repealed.

The bill as amended was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hamilton Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Rankin, Rouss, Shomo, Starcher, Sturm, Thurmond, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—61.

The noes were:

Messrs. Brand, Ferguson, Fitch, Hall, Mahan, McDermitt, Otto, Pridemore, Richards, Sarver, Shaw, Swisher, Taylor, Twyman and Williams (of Pleasants)—15.

Absent and not voting:

Messrs. Bannister, Cosner, Cox, Hackney, Houvouras, Moran, Neale (of Cabell), Perin, Pettigrew, Scott, Spangler, Stover, Summers, Thomas, Vaughn and Vanmeter—16.

Ordered, That Mr. Grove communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 151) as amended by the Senate.

The hour having arrived to which

House Bill No. 21—"A Bill to amend and re-enact section forty-seven of chapter fifteen-h of the code of West Virginia (Barnes' Edition) one thousand nine hundred and sixteen relating to the weighing of coal."

On second reading, was made a special order,

On motion of Mr. Godfrey, the bill was laid over, retaining its place on the calendar as a special order for Wednesday, February 12th at 11:00 o'clock, A. M.

Mr. McClintic offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 9.

"Relating to the judgment of Virginia vs. West Virginia."

Resolved, by the House of Delegates, the Senate concurring, That the offer of settlement of the judgment of Virginia vs. West Virginia made by the Virginia Debt Commission be, and the same is hereby, accepted, and the Committees on the subject of the Virginia debt of the respective Houses are hereby directed to prepare and submit to the House and Senate suitable bill or bills for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, necessary to carry out the terms of such offer.

Which, under the rules, lies over one day.

Mr. Hays presented the petition of J. A. Hardman and nine others, praying for the passage of the new school code. Also, the petition of W. A. Debor and fifteen others of Cox's Mills, West Virginia, praying for the enactment of the new school code.

Referred to the Committee on Education.

The following bills were introduced, on motions for leave, read by their titles, and referred to their appropriate committees.

By Mr. Cunningham (by request):

House Bill No. 278—"A Bill to amend and re-enact section nine of chapter one hundred and fifty, Barnes' code, one thousand nine hundred and eighteen, relating to the practice of medicine in this state so as to authorize the public health council to issue certificates to competent registered nurses to administer anaesthetics under the direction and control of regularly licensed physicians or surgeons."

Referred to the Committee on Medicine and Sanitation.

By Mr. Anderson:

House Bill No. 279—"A Bill to authorize the county court of the county of McDowell to establish and maintain a county law library."

Referred to the Committee on the Judiciary.

By Mr. Parsons:

House Bill No. 280—"A Bill to amend and re-enact section three of chapter nineteen on municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason."

On motion of Mr. Parsons, reference of the bill to a committee was dispensed with and the bill ordered to its first reading on the special calendar.

By Mr. Mollohan:

House Bill No. 281—"A Bill amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."

Referred to the Committee on the Judiciary.

By Mr. Fortney (of Preston):

House Bill No. 282—"A Bill to authorize the creation of a special or emergency fund for the aid of injured laborers in West Virginia."

Referred to the Committee on Labor.

By Mr. McClintic:

House Bill No. 283—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

On motion of Mr. McClintic, reference of the bill to a committee was dispensed with and the bill ordered to its first reading on the special calendar.

By Mr. Pettigrew:

House Bill No. 284—"A Bil to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, relating to authentication and record of deeds and other writings."

Referred to the Committee on the Judiciary.

A message from the Senate by Mr. Montgomery, announced the passage by that body of

House Bill No. 52—"A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

With Senate amendments, and asked the concurrence of the House therein.

And,

The concurrence of the Senate in the passage of

House Bill No. 61—"A Bill to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian."

A message from the Senate by Mr. Morton, announced the passage by that body of

Senate Bill No. 197—"A Bill to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code, one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Fox, announced the concurrence by that body in the passage of

House Bill No. 100—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen, (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code) and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit."

A message from the Senate by Mr. Kump announced the passage by that body of

Senate Bill No. 208—"A Bill to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Sanders, announced the passage by that body of

Senate Bill No. 196—"A Bill providing for the prompt furnishing to the judiciary of the state of copies of laws taking effect from their passage."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Sanders, announced the passage by that body of

House Bill No. 60—"A Bill to amend and re-enact section thirteen of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."

With Senate amendments, and asked the concurrence of the House therein.

Unanimous consent being given, the resolutions by Mr. Wysong and Mr. McClintic were laid over for one day retaining their place on the calendar.

Mr. Blizzard moved that

Senate Bill No. 151—"A Bill to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, etc., in coal mines."

On first reading, be taken up out of its regular order for immediate consideration.

Which motion did not prevail.

Mr. Coberly moved that the House recess until 2:00 o'clock, P. M.

Which motion did not prevail.

House Bill No. 153—"A Bill to regulate the practice of architecture in the state of West Virginia."

On third reading, coming up in regular order for consideration, was read a third time.

Pending the announcement of the vote,

Mr. Wysong moved that the announcement of the vote be postponed until tomorrow, Wednesday, February 12th at 10:00 o'clock, A. M.

Which motion did not prevail.

The vote was then announced as follows:

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brammer Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Howard, Kern, Lester, Mahan, Miller, Morris, Musser, McClintic, Mc-

Pherson, O'Connor, Peck, Pedigo, Pettigrew, Shaw, Shomo, Starcher Stover, Sturm, Wysong and Wolfe (Speaker)—34.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Byrnes, Calhoun, Coberly, Ferguson, Fitch, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, John, Jones, Kuykendall, Lantz, Mollohan, Moore, Moulds, McClaren, McDermitt, McVey, Neal (of Webster), Nutter, Otto, Parsons, Pridemore, Rankin, Richards, Rouss, Sarver, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Williams (of Ohio)—44.

Absent and not voting:

Messrs. Cosner, Cox, Grove, Hackney, Hale, Houvouras, Moran, McCauley, Neale (of Cabell), Perin, Scott, Spangler, Thomas, Vanmeter and Williams (of Pleasants)—15.

So, a majority of those present not having voted in the affirmative, the bill (H. B. No. 153) was rejected.

On motion of Mr. Fitch, leave of absence was granted to Mr. Houvouras.

On motion of Mr. Weiss, the House recessed until 2:00 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Senate Bill No. 7—"A Bill to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia."

On third reading, coming up in regular order for consideration was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Clements, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Peck, Perin, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—67.

The noes were:

Messrs Nutter and Vaughn—2.

Absent and not voting:

Messrs. Blizzard, Capehart, Coberly, Coleman, Cosner, Cox, Grove, Hilleary, Houvouras, Moore, McCauley, McClintic, Neale (of Cabell), Parsons, Pedigo, Pettigrew, Sarver, Scott, Spangler, Starcher, Thomas, Vanmeter and Williams (of Pleasants)—23.

Ordered, That Mr. Godfrey communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 7).

A message from the Senate, by Mr. Arnold, announced the passage by that body of

Senate Bill No. 177—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Upshur county."

And asked the concurrence of the House therein.

Senate Bill No. 11—"A Bill to amend and re-enact section four of chapter one hundred and fourteen-b of the code of West Virginia, one thousand nine hundred and thirteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Nutter, O'Connor, Otto, Peck, Perin, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Sturm, Summers, Taylor, Twyman, Wysong and Wolfe (Speaker)—62.

The noes were:

Messrs. Hersman, John, McPherson, Neal (of Webster), Pettigrew, Swisher, Thurmond, Vaughn, Weiss and Williams (of Ohio)—10.

Absent and not voting:

Messrs. Blizzard, Bray, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Houvouras, Lester, McVey, Neale (of Cabell), Parsons, Pedigo, Sarver, Scott, Spangler, Stover, Thomas, Vanmeter and Williams (of Pleasants)—21.

Ordered, That Mr. Wysong communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 11) as

amended by the House, and ask concurrence in the amendment thereto.

A message from the Senate, by Mr. Stewart, announced that the Senate had amended, and passed as amended, and requested the concurrence of the House in the amendments to

House Bill No. 55—"A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."

And,

House Bill No. 104—"A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws."

A message from the Senate, by Mr. Gribble, announced that the vote by which

Senate Bill No. 186—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

Was passed by that body, had been reconsidered, and requested the House to return the bill.

Whereupon,

The Clerk of the House delivered the bill (S. B. No. 186) to Mr. Gribble.

Senate Bill No. 36—"A Bill dispensing with the necessity of any natural person affixing a seal to any deed, trust deed, mortgage, lease or other writing conveying, selling, or agreeing to sell, leasing, renting, or encumbering real estate, and making valid such instruments of writing heretofore executed by any natural person, lacking such seal, and making the same evidence; and providing that an action of covenant may be maintained thereon for the breach of any covenant or warranty therein."

On third reading, coming up in regular order for consideration, was read a third time.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bray, Cuppett, Fortney (of Preston), Grove, Hackney, Hendricks, Hobbs, Mahan, Moore, Moran, Moulds, McClaren, McClintic, O'Connor, Otto, Perin, Pettigrew, Taylor, Williams (of Pleasants) and Wolfe (Speaker)—23.

The noes were:

Messrs. Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Miller, Morris, Musser, McCauley, McDermitt, McPherson, Neal (of Webster), Nutter, Parsons, Peck, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wysong—54.

Absent and not voting:

Messrs. Coberly, Cosner, Cox, Houvouras, John, Mollohan, McVey, Neale (of Cabell), Pedigo, Pridemore, Sarver, Scott, Spangler, Stover, Thomas and Vanmeter—16.

So, a majority of the members present and voting, not having voted in the affirmative, the bill (S. B. No. 36), was rejected.

Senate Bill No. 69—"A Bill to amend and re-enact section three of chapter one hundred and twenty-nine of the one thousand nine hundred and thirteen code of West Virginia, serial section four thousand eight hundred and forty-eight, concerning commissioner in chancery."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—76.

The noes were:

Messrs. Bland and Lester—2.

Absent and not voting:

Messrs. Coberly, Cosner, Cox, Houvouras, Kern, Miller, Neale (of Cabell), Pedigo, Pridemore, Sarver, Scott, Spangler, Stover, Thomas and Vanmeter—15.

Ordered, That Mr. Neal (of Webster) communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 69).

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education."

On third reading, coming up in regular order for consideration.

On motion of Mr. John, the bill was passed over and ordered placed on the special calendar for the night session.

House Bill No. 143—"A Bill to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the allies during the world war or in any charitable, humane or relief organizations connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings, as memorials to those of them who have died in such service or in any such organization."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Peck, Perin, Rankin, Richards, Rouss, Shaw, Shomo, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—74.

The noes were:

Messrs. Neal (of Webster) and Thurmond—2.

Absent and not voting:

Messrs. Coberly, Coleman, Cosner, Cox, Hale, Houvouras, Neale (of Cabell), Parsons, Pedigo, Pettigrew, Pridemore, Sarver, Scott, Spangler, Thomas, Vaughn and Vanmeter—17.

Ordered, That Mr. Cuppett communicate to the Senate the passage of the bill (H. B. No. 143) and ask concurrence therein.

Mr. Thurmond in explanation of his vote on the passage of House Bill No. 143, made the following statement, and requested the same be inserted in the Journal:

“As a whole, I have no objection to this bill, but the clause therein contained, giving a state commission the right to pass upon the character of all tablets, monuments or buildings which shall be erected or provided for in the several counties of the state, is objectionable. This House has passed a measure which allows the county court to lay a levy, upon the petition of twenty per cent. of the voters, the proceeds of which are to be used for this purpose, and from my view point, it is purely local. Therefore, I am opposed to a state commission having control. I vote No.”

Mr. Hackney in the Chair.

House Bill No. 84—“A Bill to provide for the payment of any judgment, order or decree for the payment of money rendered against any municipal corporation.”

On third reading, coming up in regu'ar order for consideration, was read a third time.

Pending the discussion of the merits of the bill,

Mr. Twyman moved the previous question.

The question prevailing,

The Speaker propounded the main question: “Shall the bill be passed with its title?”

On that question,

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bland, Bray, Calhoun, Capehart Cunningham, Ferguson, Godfrey, Hackney, Harvey, Hays, Hendricks, Kern, McClintic, Neal (of Webster), Pettigrew, and Williams (of Pleasants)—17.

The noes were:

Messrs. Anderson, Bannister, Blizzard, Brand, Brammer, Byrnes, Clements, Coleman, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hall, Hamilton, Hersman, Hickman, Hobbs, John, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran,

Morris, Moulds, Musser, McCauley, McDermitt, McPherson, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Rankin, Richards, Shaw, Shomo, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Williams (of Ohio)—52.

Absent and not voting:

Messrs. Coberly, Cosner, Cox, Cuppett, Grove, Hale, Hilleary, Houvouras, Howard, Mollohan, McClaren, McVey, Neale (of Cabell), Nutter, Pridemore, Rouss, Sarver, Scott, Spangler, Summers, Thomas, Vanmeter, Wysong and Wolfe (Speaker)—24.

So, a majority of the members present not having voted in the affirmative, the bill (H. B. No. 84), was rejected.

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Shaw, Shomo, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), and Wysong—69.

The noes were:

None.

Absent and not voting:

Messrs. Capehart, Coberly, Coon, Cosner, Cox, Cuppett, Hersman, Hickman, Hilleary, Houvouras, Lester, Neal (of Cabell), Nutter, Otto, Parsons, Pedigo, Rouss, Sarver, Scott, Spangler, Thomas, Vanmeter, Williams (of Pleasants) and Wolfe (Speaker)—24.

Ordered, That Mr. Anderson communicate to the Senate the passage of the bill (H. B. No. 200) and ask concurrence therein.

House Bill No. 26—"A Bill to amend and re-enact chapter forty-seven of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, in relation to the authentication and record of maps".

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pride-more, Rankin, Richards, Shaw, Shomo, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wysong—69.

The noes were:

Messrs. Brand and Brammer—2.

Absent and not voting:

Messrs. Anderson, Coberly, Coon, Cosner, Cox, Fortney, (of Harrison), Hersman, Hilleary, Houvouras, Lester, Neale (of Cabell), Parsons, Pedigo, Rouss, Sarver, Scott, Spangler, Stover, Thomas, Vanmeter, Williams (of Pleasants) and Wolfe (Speaker)—22.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 26) and ask concurrence therein.

House Bill No. 126—"A Bill to provide for the recording of affidavits as to the birth, marriage, death, name, residence, identity or relationship of parties to instruments effecting real estate and the use of the same in evidence."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Mor-

ris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Shaw, Shomo, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Wy song—67.

The noes were:

Mr. Capehart—1.

Absent and not voting:

Messrs. Anderson, Bland, Coberly, Cosner, Cox, Godfrey, Hilleary, Houvouras, Miller, Moran, McVey, Neale (of Cabell), Otto, Parsons, Pedigo, Rouss, Sarver, Scott, Spangler, Stover, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—25.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 126) and ask concurrence therein.

The Speaker resumed the Chair.

House Bill No. 33—"A Bill to amend chapter one hundred and thirty of the code of West Virginia relating to Evidence and Witnesses, by adding thereto an additional section to be numbered forty-eight, so as to provide that when the land described in a patent, deed or other document is subject to an exception or reservation of any part or parts thereof, it shall be presumed, when the same is offered in evidence in any action, suit or proceeding at law or in equity involving the trial or determination of title to real estate or any interest therein, that the land or interest therein in controversy is not included in any such excepted or reserved part or parts."

On third reading, coming up in regular order for consideration, was read a third time.

Pending the discussion of the merits of the bill,

Mr. Starcher moved the previous question.

The question prevailing,

The Speaker propounded the main question: "Shall the bill be passed with its title?"

On that question,

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Calhoun, Hackney, Harvey, Hays, Hendricks, Kukendadll, Mollohan, McCauley, McClintic, Perin, Pettigrew, Summers and Wolfe (Speaker)—16.

The noes were:

Messrs. Blizzard, Brand, Brammer, Capehart, Clements, Coleman, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hall, Hamilton, Hersman, Hickman, Hobbs, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, Neal (of Webster), O'Connor, Otto, Peck, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Starcher, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—50.

Absent and not voting:

Messrs. Bland, Bray, Byrnes, Coberly, Cosner, Cox, Cunningham, Grove, Hale, Hilleary, Houvouras, Lester, McPherson, McVey, Neale (of Cabell), Nutter, Parsons, Pedigo, Rouss, Scott, Spangler, Stover, Sturm, Taylor, Thomas, Vanmeter and Williams (of Ohio)—27.

So, a majority of the members present not having voted in the affirmative, the bill (H. B. No. 33), was rejected.

On motion of Mr. Moore, the rules were suspended and

Senate Bill No. 208—"A Bill to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The yeas were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coleman, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, Otto, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—68.

The nays were:

None.

Absent and not voting:

Messrs. Bland, Bray, Capehart, Coberly, Cosner, Cox, Cunningham, Godfrey, Grove, Hale, Hilleary, Houvouras, Lester, Miller, McPherson, Neale (of Cabell), O'Connor, Pedigo, Pettigrew, Rouss, Scott, Spangler, Stover, Thomas and Vanmeter—25.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The yeas were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Nutter, O'Connor, Otto, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Starcher, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wyson and Wolfe (Speaker)—68.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Bray, Byrnes, Coberly, Cosner, Cox, Godfrey, Grove, Houvouras, Lester, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Pedigo, Pettigrew, Rouss, Scott, Spangler, Stover, Summers, Thomas, and Vanmeter—25.

Ordered, That Mr. Kuykendall communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 208).

On motion of Mr. Moore,

House Bill No. 180—"A Bill to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia."

Was indefinitely postponed.

Mr Weiss asked unanimous consent that

Senate Bill No. 114—"A Bill to amend and re-enact chapter fifteen-j, Barnes' code of one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a state board of childrens' guardians and to define its duties."

On first reading, be taken up out of its regular order for consideration,

Which was not given, Mr. Swisher objecting.

Mr. Ferguson moved that

House Bill No. 134—"A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."

On second reading, be taken up out of its regular order for consideration, and made a special order for 11:30 tomorrow (February 12th).

Which motion did not prevail.

On motion of Mr. Cunningham, indefinite leave of absence was granted to Mr. Scott.

On motion of Mr. Kuykendall, the House recessed until 7:30 o'clock, P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Harvey, Hays,

Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Otto, Parsons, Peck, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams of Pleasants) and Wolfe (Speaker)—58.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Bray, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Grove, Hackney, Hendricks, Hersman, Hickman, Houvouras, John, Moran, McCauley, Neale (of Cabell), Nutter, O'Connor, Pedigo, Perin, Pettigrew, Rouss, Scott, Swisher, Taylor, Thomas, Thurmond, Vanmeter and Wysong—35.

Ordered, That Mr. Richards communicate to the Senate the passage of the bill (H. B. No. 169) and ask concurrence therein.

On motion of Mr. Kern,

House Bill No. 266—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve (a), one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one and one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing

the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."

On second reading, coming up in regular order for consideration, was laid over, retaining its place on the Special Calendar.

House Bill No. 152—"A Bill to amend and re-enact section two of chapter twenty-one of the acts of one thousand nine hundred and fifteen, (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Tuesday of May in the year one thousand nine hundred and fifteen."

On second reading, coming up in regular order for consideration.

Mr. Weiss moved the following "Substitute House Bill No. 152" be substituted for and in lieu of House Bill No. 152:

A BILL to amend and re-enact section two of the part entitled "Greater Wheeling Charter" of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled: "An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine

hundred and seven," entitled: "An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six," entitled: "An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling"; chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election held on the fourth Thursday in May, one thousand nine hundred and fifteen.

Be it enacted by the Legislature of West Virginia:

That section two of chapter twenty-one of the acts of one thousand nine hundred and fifteen (Greater Wheeling Charter)and approved by a majority of the voters of the city of Wheeling at an election held on the first Thursday of May, in the year one thousand nine hundred and fifteen, be and the same is hereby repealed and a new section be and is hereby in lieu thereof, to be known as section two, as follows:

Section 2. The city of Wheeling may extend its boundaries
2 so as to include all of the lands, grounds, waters, water courses,
3 and territory contained with the following boundaries (all of
4 which is within Ohio county, West Virginia) in addition to the
5 lands, grounds, waters, water courses and territory included with-
6 in the city of Wheeling as at present bounded:

7 Commencing for the same at a point in the south line of the
8 Jacob Zilles property, and poing being also located at the north-
9 east corner of the present corporate limits of the town of War-
10 wood, in Richland district of said county and state; thence with
11 the easterly corporate boundaries of said town as the same are
12 recorded in the office of the clerk of the circuit court of said
13 county in law order book number thirty-one, at page four hundred

14 and sixty-eight; south fourteen degrees east nine hundred and
15 sixty-eight feet to the northeast corner of the sub-division known
16 as Glenova, a plat of said sub-division being recorded in the office
17 of the clerk of the county court of said county in plat book
18 number one, at page seventy-one; said corner being located at a
19 distance of three hundred and eighty-eight feet east of the River
20 county road; thence with the easterly lines of Wilston avenue of
21 said sub-division south five degrees east 565 and nine-tenths feet;
22 south three degrees thirty minutes west two hundred and seventy
23 feet; south five degrees thirty minutes east four hundred and
24 eighty feet; south three degrees thirty minutes east two hundred
25 and ten feet; south five degrees thirty minutes east five hundred
26 and ninety-one feet to the southeast corner of said sub-division;
27 thence leaving the lines of the said sub-division and crossing
28 Glenns run south thirty minutes east eight hundred one and
29 eight-tenths feet to a point in the north side of Cherry Hill road,
30 said point being located three hundred and fifty-three feet east
31 of the said River road; thence with the west line of Orchard
32 avenue of the subdivisions known as Warwood south five degrees
33 fifteen minutes east two thousand five hundred and seventy feet
34 to a point in the south line of said subdivision located three
35 hundred and fifty feet east of the aforesaid River road; thence
36 through the property of George and Casper Dorsch south six
37 degrees fifteen minutes west eight hundred eighteen and five-
38 tenths feet to a point in the south line of same located two hun-
39 dred and forty-five feet east of the aforesaid River road, said
40 point being located at the northeast corner of a subdivision known
41 as South Warwood, a plat of said subdivision being recorded in
42 said county clerk's office in plat book number one, at page one
43 hundred and sixty-six; thence with the east line of said subdivi-
44 sion south three degrees fifteen minutes west seven hundred seven-
45 seven and eight-tenths feet to a point at the southeast corner
46 of said subdivision, said point being located two hundred and
47 twenty-five feet east of the said River road; thence south seven-
48 teen degrees fifteen minutes west two hundred seventy-five and
49 eight-tenths feet; thence south twenty degrees forty-five minutes
50 west one thousand twelve and five-tenths feet to a point in a
51 north line of the subdivision known as Loveland, a plat of said
52 subdivision being recorded in the said county clerk's office in
53 plat book number one, at page one hundred and thirteen; said
54 line being also the southerly line of the property owned by

55 Conrad Lasch heirs; thence with said line south sixty-six degrees
56 forty-five minutes east four hundred and five feet to a point at
57 the northeast corner of said last mentioned subdivision; thence
58 leaving the corporate boundaries of said town of Warwood and
59 with the easterly extension of the last described line south sixty-
60 six degrees forty-five minutes east eight hundred twenty-nine
61 and four-tenths feet to a post at the northeast corner of the
62 Loveland improvement company's property, said post being also
63 in a line of the farm owned by the J. W. Nichols estate; thence
64 with a line of the same south twenty-seven degrees thirty-six
65 minutes west three hundred twelve and nine-tenths feet to a
66 post, corner to a farm owned by Lydia E. Marshall; thence with
67 the westerly lines of same south thirty-four degrees thirty-five
68 minutes west one thousand six hundred and thirty-five feet to a
69 point at the southeast corner of the said improvement company's
70 property, said point being also located at the northeast corner of
71 a tract of land owned by the Richland coal company and being
72 part of lot number seven of the subdivision of the A. P. Woods
73 home farm, a plat of said subdivision being recorded in the said
74 county cler's office in deed book number forty-eight, at uage three
75 hundred and eighty-nine; thence with the easterly line of same
76 south thirty degrees west eighty-one and twenty-four one hun-
77 dredths poles to a stake; formerly a hickory stump, corner to
78 subdivision "A", "C" and "G" of the Walter Marshall farm;
79 thence in a northeasterly direction with the road through said
80 farm nine and sixteen-one hundredths poles to a stake, corner
81 to subdivision "C" and "D" of said farm; thence with the lines
82 between the last mentioned subdivisions south fifty-one degrees
83 east fifty-one and one-half poles; south thirty-nine and three-
84 fourths degrees east one hundred and one and twenty-four one
85 hundredths poles to a corner of a tract of land owned by Agra
86 McKinley; thence with the southerly lines of the lands of L.
87 Marshall; Frederick Schaefer and eorge Landmyer and with the
88 northerly lines of Agra McKinley, D. M. Alexander and another
89 trace owned by George Landmyer north eighty-three defrees
90 fifty minutes east two thousand six hundred and twenty-eight
91 feet to a point in a line of the farm owned by J. W. Nichols es-
92 tate; thence with said line and with the line between the farm
93 owned by the J. C. Campbell estate and the tract owned by D. M.
94 Alexander and its extension south forty-two degrees fifteen min-
95 utes east three thousand two hundred and ninety feet to a point

96 in the Waddells run county road; thence crossing the lands of
97 Frederick Fisher, Peter Storch, Sisters of Our Lady of Charity
98 and J. E. Green south fifteen degrees no minutes east four thou-
99 sand eight hundred and ninety-two feet to the most northtrly cor-
100 ner of a nineteen and six-tenths acre tract that was conveyed to
101 George Rentch and J. E. Green and wife by deed recorded in said
102 court clerk's office in deed book number one hundred and thirty-
103 five, at page five hundred and seventy-three; thence crossing said
104 tract south twenty-five degrees fifteen minutes east eight hundred
105 and seventy-six feet to the most easterly corner of said tract;
106 thence crossing the lands of the Goshorn estate south thirty-eight
107 degrees thirty minutes east two thousand feet to an oak corner to
108 the lands of the Goshorn estate and the Baird farm; thence with
109 a line between said last mentioned farms south thirty-two degrees
110 forty-five minutes east three hundred and forty-two feet to a
111 corner of the Hess farm; thence with a line of the same south
112 thirty-four degrees thirty minutes east fifty-nine and five-tenths
113 poles to a corner of the W. F. Krieger farm; thence crossing the
114 same south thirty-four degrees forty-five minutes east ninety-
115 three and seventy-seven one hundredths poles to a corner of
116 Wheeling Park; thence with an easterly line of same south thirty-
117 four degrees thirty minutes east seventy-two poles to a line of a
118 tract owned by J. Deickman thence with a line of same north
119 seventy-six degrees no minutes east thirty-five feet to
120 its northeast corner; thence south thirty-three-degrees no
121 minutes east one thousand nine hundred and ninety
121-a feet to a point in an original line of the Cruger estate;
122 thence with the same north fifty-nine degrees 25 minutes east
123 nine hundred and forty-four feet to a stone corner to the Bonig,
124 White, McClure and Burkham farms; thence with a line of the
125 last mentioned farm south thirty-three degrees thirty minutes
126 east one hundred seventy-six and nine-tenth poles to a beech on
127 top of the northerly bank of Little Wheeling creek; thence up
128 said creek in an easterly direction following along the top of the
129 northerly bank of same one thousand and fifty feet, more or less,
130 to its intersection with the northwesterly extension of the center-
131 line of Hervey lane as the same is shown on the subdivision
132 known as Sigma Pons, a plat of said subdivision being recorded
133 in said county clerk's office in plat book number one, at page one
134 hundred and forty-three; thence with said extension and with
135 said centerline and its southeasterly extension, crossing said

125-a creek, south eighteen degrees thirty minutes east one thousand
136 two hundred and ninety feet; thence south eighty degree no min-
137 utes west one thousand seven hundred and fifty feet to a point in
138 an original line of the Shepherd estate, said point being also lo-
139 cated at the most easterly corner of the present corporate limits
140 of the town of Elm Grove in Triadelphia district, said county and
140-a state; thence with the corporate boundaries of said town south
141 twenty-six degrees forty-five minutes west one thousand five
142 hundred feet to a point on the east side of the Stone church road;
143 thence south fifty-six degrees forty-five minutes west two hundred
143-a and ninety-six feet; thence south seventy degrees fifteen minutes
144 west four hundred and fifty feet to the northeast corner of the
145 present corporate limits of the town of Patterson, in Triadelphia
145-a district, said county and state; thence with the corporate boun-
146 daries of said last named town south sixteen degrees thirty-
147 three minutes west nine hundred and eighty-seven feet to a white
147-a oak; thence south eleven degrees thirty-two minutes west one
148 hundred and ninety-seven feet to a stake; thence north fifty-
149 seven degrees fifty minutes west five hundred and fifty-five feet
150 to a point in Monument and Big Wheeling creek county road;
150-a thence crossing said creek south fifty degrees ten minutes west
151 nine hundred and seventy-five and five-tenths feet to a fence post;
152 thence south thirty-three degrees forty-three minutes west five
153 hundred and ninety-six feet to a post; thence north fifty-two
153-a degrees nine minutes west one thousand seven hundred and
154 ninety-one feet to a large locust; thence north nineteen degrees
155 twenty-five minutes east seven hundred and eightysix feet to a
155-a stake; thence north twenty-five degrees two minutes east fifty
156 feet to a point in the public road leading from the Wheeling and
156-a Elm Grove county road to the George H. P. Schmidt farm;
157 thence leaving the corporate boundaries of the said town of Pat-
157-a terson and with the center line of said public road north forty-
158 five minutes east five hundred feet; north thirty degrees east
158-a nine hundred and thirty feet to a point in the present corporate
159 limits of said town of Elm Grove; thence with the corporate
159-a boundaries of said last mentioned town north sixty degrees
160 west seven hundred twenty-six feet to a point between two walnuts;
160-a thence north fifteen degrees fifteen minutes west one thousand
161 five hundred and twenty-five feet to a stake; thence north twenty-
161-a eight degrees forty-five minutes west seven hundred and sev-
162 enty-four feet to a stake; thence north forty-five degrees fifteen

162-a minutes east nine hundred feet to an elm on top of the west
163 bank of Wheeling creek; thence leaving the corporate boundary
163-a lines of the said town of Elm Grove down said creek follow-
161 ing the top of the westerly bank of same seven thousand seven
164-a hundred feet, more or less, to a point at the intersection of the
165 top of the westerly bank of said creek with the westerly extension
165-a of the present northerly line of Greenwood cemetery; thence
166 leaving the top of the westerly bank of said creek and running in
166-a a due west direction six thousand five hundred feet; more or
167 less, crossing the lands of Hugh Clare estate, J. Flynn and W. P.
167-a Hubbard and A. Reyman to a point in the present corporate
168 boundary lines of the city of Wheeling, thence with the present cor-
168-a porate boundary lines of the city of Wheeling, as described by an
168-b act of the legislature passed February third, one thousand eight
169 hundred and seventy-one, entitled "An act to amend the charter
169-a and extend and prescribe the limits of the city of Wheeling," and
170 in a northerly and then westerly direction, crossing the Ohio
170-a river, to the line between the states of West Virginia and Ohio,
171 said last mentioned point being at the north side of Hanover
171-a street in the town of Martins Ferry, Belmont county, Ohio, and
172 also the most northerly corner of the present corporate limits of
172-a the city of Wheeling; thence leaving the present corporate
173 boundary lines of the city of Wheeling and continuing in a north-
173-a wardly direction with the line between the states of Ohio and
174 West Virginia, which is low water mark along the westerly shore
174-a of said river to a point at the intersection of the westerly ex-
175 tension of the present northerly corporate boundary line of the
175-a said town of Warwood; thence with said extension crossing the
176 river north eighty-six degrees thirty minutes east to the north-
176-a west corner of the present corporate limits of said town of
177 Warwood; thence with the north boundary line of said town of
177-a Warwood and with the south line of Jacob Zilles' property
178 north thirty-eight degrees thirty minutes east eleven hundred
178-a feet to the place of beginning, containing seventy-six hundred
179 (7600) acres, more or less.

180 Embraced within the above boundaries are the incorporated
181 towns of Warwood in Richland district, Fulton in Washington
182 and Triadelphia districts and Woodsdale, Leatherwood, Edge-
183 wood, Pleasant Valley, Elm Grove and Patterson in Triadel-
184 phia district, said county and state.

185 Such extension of boundaries shall be proposed by a reso-

186 lution of the city council of the city of Wheeling, which resolu-
187 tion shall

188 (a) accurately define the boundary lines of the territory
189 proposed to be annexed as herein set forth,

190 (b) fix a time for holding a special election at which the
191 proposed change of boundaries shall be submitted to the quali-
192 fied voters of the city of Wheeling, and of the territory pro-
193 posed to be annexed, for approval or rejection,

194 (c) direct that notice of such election be published in each
195 of the daily and weekly newspapers in the city of Wheeling,
196 once a week for four successive weeks, the last publication to
197 be not more than ten days before the day of the election,

198 (d) prescribe the form of ballot to be used at such elec-
199 tion.

200 The city council of the city of Wheeling, through the city
201 solicitor, shall notify the mayor of each municipality within the
202 territory herein described, of the proposed extension of bound-
203 aries at least six weeks before the time fixed for the election
204 herein provided for, whereupon, it shall be the duty of the city
205 council of such municipality to provide for such election by
206 appointing judges and clerks for each precinct within such
207 municipality and certify the names of such appointees to the
208 city council of Wheeling within three weeks from the service
209 of notice upon the mayor thereof. If such certificate is not so
210 filed, the city council of Wheeling shall appoint such judges and
211 clerks of election. Qualified voters residing in any portion of
212 the described territory which is not within the limits of the
213 municipal corporation, may vote at such election at a precinct
214 convenient to their respective places of residence. So far as
215 they are applicable, and except as specific provision is made
216 in this charter, such election shall be governed by the general
217 election laws of the state of West Virginia.

218 When the result of such election is ascertained and certified,
219 the mayor of the city of Wheeling shall issue his proclamation
220 of such result and cause the same to be published in each daily
221 and weekly newspaper in the city of Wheeling within five days
222 of such certification, and if a majority of the votes cast at such
223 election shall be in favor of such extension, then all of the terri-
224 tory within the boundaries herein described shall be and become
225 a part of the city of Wheeling, on the first day of January, one

226 thousand nine hundred and twenty, and beginning on that date,
227 the city of Wheeling shall include all of the territory within
228 the boundaries herein set forth in addition to the territory con-
229 stituting the city of Wheeling as at present bounded, and the
230 corporate existence of any municipality included within the
231 boundaries herein described shall thereupon cease and deter-
232 mine; and if a majority of the votes cast at such election shall
233 not be in favor of such extension, then the boundaries of the
234 city of Wheeling shall remain as they now are and the territory
235 within the boundaries herein stated shall be in no way affected
236 by such election. All expenses of holding such election, the
237 payment whereof is not now provided by law, shall be paid by
238 the city of Wheeling.

239 The failure, neglect or refusal of the publisher of any
240 newspaper in Wheeling to publish either the notice or procla-
241 mation herein provided for, shall not effect the validity of the
242 proceedings to extend the boundaries of the city of Wheeling
243 if such publication shall appear in two of such papers.

244 If at the time of the extension of its boundaries the city
245 of Wheeling shall have a bonded indebtedness, the taxes there-
246 after levied to provide for such indebtedness, principal and in-
247 terest, shall be levied upon the taxable property within the cor-
248 porate limits of the city of Wheeling as they existed before
249 the extension of its boundaries. If any municipal corporation
250 within the boundaries herein described at the time of such ex-
251 tension shall have a bonded indebtedness, then the taxes there-
252 after levied to provide for such bonded indebtedness, principal
253 and interest, shall be levied upon the taxable property within
254 the corporate limits of such other municipality as they existed
255 before such extension of boundaries.

256 Should the territory herein described be annexed to the
257 city of Wheeling in the manner herein set forth, then from and
258 after the time of such annexation all of the debts and obliga-
259 tions of any municipality included within the boundaries herein
260 set forth shall become and be the debts and obligations of the
261 city of Wheeling, and shall be enforceable against the city of
262 Wheeling to the same extent as they might have been enforced
263 against the municipality creating them.

264 The extension of the boundaries of the city of Wheeling
265 shall not effect the boundaries or the organization of any school

266 district theretofore existing.

267 *Provided, however,* that the said election for the annexation
268 of the territory within the boundaries herein set forth, shall be
269 held not before October first, one thousand nine hundred and
270 nineteen, and not later than December first, one thousand nine
271 hundred and nineteen; and should the vote at such election be
272 in favor of such annexation then the territory included within
273 the boundaries herein set forth shall be and become a part of
274 the city of Wheeling on January first, one thousand nine hun-
275 dred and twenty.

276 This act shall take effect one hundred and twenty days
277 (120) from its passage.

278 All acts and parts of acts inconsistent with this act are
279 hereby repealed.

Pending which,

Mr. Brand moved that the bill (H. B. No. 152) be re-committed to the Committee on Counties, Districts and Municipal Corporations

Which motion did not prevail.

Mr. Brand then moved to lay the bill over and make it a special order for 7:30 o'clock, P. M., Thursday, February 13th.

Which motion did not prevail

The question recurring upon the motion of Mr. Weiss to substitute for and in lieu of House Bill No. 152 "Substitute House Bill No. 152," the same was put by the Chair, and prevailed.

The bill (Substitute House Bill No. 152) was then read a second time and ordered to its engrossment and third reading.

Senate Bill No. 161—"A Bill to authorize the county court of the county of Marion to establish and maintain a county law library."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 196—"A Bill to fix the salary of the prosecuting attorney of Barbour county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were.

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Calhoun, Cunningham, Ferguson, Fortney (of Har-

rison), Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Hays, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Otto, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover Sturm, Swisher, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), and Wolfe (Speaker)—61.

The noes were:

None.

Absent and not voting:

Messrs. Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Grove, Hackney, Harvey, Hendricks, Hersman, Houvouras, John, Moore, Moran, McCauley, Neale (of Cabell), O'Connor, Pedigo, Pettigrew, Rouss, Scott, Summers, Taylor, Thomas, Thurmond, Vanmeter, Wysong—32.

Mr. Shomo moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Calhoun, Clements, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Otto, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Byrnes, Capehart, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Hackney, Hendricks, Hersman, Hickman, Houvouras, John, Moran, McCauley, Neale (of Cabell), O'Connor, Pedigo, Pettigrew, Rouss, Scott, Taylor, Thomas, Thurmond, Vanmeter and Wysong—28.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 196) takes effect from its passage.

Ordered, That Mr. Shomo communicate to the Senate the passage of the bill and request concurrence therein.

Mr. Weiss in the Chair.

Senate Bill No. 200—"A Bill to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-a thereto, and amending and re-enacting sections thirteen and fourteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brammer, Bray, Calhoun, Capehart, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Otto, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Brand, Byrnes, Clements, Coberly, Coon, Cosner, Cox, Cuppett, Grove, Hackney, Hendricks, Hersman, Houvouras, Moran, McCauley, McPherson, Neale (of Cabell), Nutter, O'Connor, Pedigo, Pettigrew, Rouss, Scott, Summers, Taylor, Thomas, Twyman, Vanmeter and Wysong—29.

Ordered, That Mr. Hilleary communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 200.)

House Bill No. 148—"A Bill to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from

the provisions of said special levy, as amended and re-enacted by chapter thirty-five of the acts of one thousand nine hundred and seventeen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 276—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed, on the twenty-fourth day of February, one thousand nine hundred and nine."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Bray, laid over, retaining its place on the special calendar.

House Bill No. 277—"A Bill relating to interest on high school bonds of Washington district, Pleasants county, West Virginia."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 181—"A Bill to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety-five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 201—"A Bill to authorize the state board of control to purchase, for the West Virginia Industrial School for boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 280—"A Bill to amend and re-enact section three of chapter nineteen on municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 283—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 263—"A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto; there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividend and income from cash stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Unanimous consent being given,

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

HOUSE JOINT RESOLUTION No. 6.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to Boyd Adkins, of Wayne, West Virginia, a license to practice law in the courts of this state."

And report the same back without recommendation.

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 198—"A Bill fixing the annual allowance to the clerks of the circuit and county courts of Morgan county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Unanimous consent being given, on motion of Mr. Hall,

House Bill No. 257—"A Bill fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia."

On third reading, was taken up out of its regular order for consideration, read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Calhoun, Clements, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Harvey, Hays, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Mahan, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, McVey, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Shaw, Shomo, Spaugler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—57.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Grove, Hackney, Hamilton, Hendricks, Hersman, Honvouras, Kuykendall, Lester, Miller, Moran, McCauley, McClintic, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Pedigo, Pridemore, Rouss, Scott, Summers, Thomas, Thurmond, Vanmeter and Wysong—36.

Mr. Hall moved that the bill (H. B. No. 198) take effect from its passage.

On that question: "Shall the bill take effect from its passage?", the Clerk called the roll.

On motion of the same gentleman, the announcement of the vote was postponed until 10:30 o'clock, A. M., Wednesday, February 12th.

Unanimous consent being given, Mr. John presented the following communication:

CHARLESTON, W. VA., February 10, 1919.

"To the Members of the House of Delegates:

"DEAR SIRs :

"The report has become current that organized labor in the state of West Virginia is opposed to the passage by the legislature of West Virginia of what is commonly known as the Steptoe bill.

"This attitude on the part of organized labor would be so manifestly against the interest of labor and the state of West Virginia that the report would seem to be confounded by its own weight, but in order that the members of the legislature may be in no uncertain mind as to the attitude of labor on this bill, let me say that the report has no foundation in fact.

On the other hand, labor is very much interested in the passage of the bill. Hundreds of industrious wage earners have been driven from the state of West Virginia because factories depending upon a sufficient supply of gas have been compelled to close their doors, and in many instances these same wage earners have left the state to secure employment without the state in factories burning West Virginia gas, transported without the state.

"The State Federation of Labor has no interest in the question except its interest in the prosperity of its members and the prosperity of the people of the state generally.

"In view of the report, I hope, therefore, that I may be pardoned in calling your attention to the fact that labor is very much interested in the passage of the Steptoe bill, because on it depends the prosperity of not only labor itself but of the citizens of the state.

"Yours very truly,

"W. M. ROGERS,

"President State Federation of Labor."

Referred to the Committee on Taxation and Finance.

On motion of Mr. Fortney (of Preston), the House adjourned.

.....
Speaker of the House of Delegates.

.....
Clerk of the House of Delegates.

WEDNESDAY, FEBRUARY 12, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Fortney (of Preston), the further reading thereof was dispensed with.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 268—"A Bill to amend chapter one hundred and fifty of Hogg's code of one thousand nine hundred and thirteen by adding thereto section five thousand three hundred and seventy-two."

Also,

House Bill No. 213—"A Bill to enforce publicity of nominations for office made by the governor of West Virginia, or any other officer of West Virginia authorized to make nominations and sent to the Senate of West Virginia for consideration as to confirmation or rejection."

Also,

House Bill No. 279—"A Bill to authorize the county court of the county of McDowell to establish and maintain a county law library."

And,

House Bill No. 281—"A Bill amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Howard, from the Committee on Medicine and Sanitation, submitted the following report, which was received:

Your Committee on Medicine and Sanitation has had under consideration,

House Bill No. 278—"A Bill to amend and re-enact section nine of chapter one hundred and fifty, Barnes' code, one thousand nine hundred and eighteen, relating to the practice of medicine in this state so as to authorize the public health council to issue certificates to competent registered nurses to administer anaesthetics under the direction and control of regularly licensed physicians or surgeons."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

G. C. HOWARD, *Chairman.*

House Bill No. 52—"A Bill to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries."

With Senate amendment, coming up in regular order for consideration.

The amendment proposed by the Senate was reported by the Clerk and agreed to.

The amendment is as follows:

"On page four, section four, line six, after the word 'select' by striking out the words 'from the persons present.' "

The bill, as amended, was then passed with its title.

On passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Howard, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—76.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Coberly, Coon, Cosner, Cox, Grove, Hickman, Hobbs, Houvouras, John, Kern, Moran, McCauley, Neale (of Cabell), Thomas, Vanmeter and Williams (of Ohio)—17.

Ordered, That Mr. Pridemore communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 52) as amended.

A message from the Senate, by Mr. Sanders, announced that the Senate had amended, and passed as amended, and requested the concurrence of the House in the amendments to

House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

House Bill No. 60—"A Bill to amend and re-enact section thirteen of chapter one hundred and thirty-seven of the code of West Virginia, as amended and re-enacted by section eleven of chapter one hundred and twenty-nine of the acts of the legislature of one thousand eight hundred and eighty-two, relating to constables' fees in civil and criminal cases."

With Senate amendment by substitution, coming up in regular order for consideration.

The substitute bill proposed by the Senate was reported by the Clerk, and

Whereupon,

On motion of Mr. McClintic, the House agreed to the substitute bill proposed by the Senate.

The substitute bill proposed by the Senate was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hays, Hendricks, Hersman, Hilleary, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Nutter, O'Connor,

Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—71.

The noes were:

Messrs. Neal (of Webster) and Rankin—2.

Absent and not voting:

Messrs. Coleman, Cosner, Cox, Godfrey, Grove, Hamilton, Harvey, Hickman, Hobbs, Houvouras, John, Moran, McCauley, McPherson, Neale (of Cabell), Parsons, Thomas, Thurmond, Vanmeter and Williams (of Ohio)—20.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House in the passage of the substitute bill (H. B. No. 60).

The hour of 10:30 o'clock, A. M., having arrived for the announcement of the vote on the motion of Mr. Hall that House Bill No. 257 take effect from its passage,

Thereupon,

On the question: "Shall the bill take effect from its passage?"

The Clerk announced the vote, as follows:

The ayes were:

Messrs. Anderson, Blackhurst Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—81.

The noes were:

None.

Absent and not voting:

Messrs. Coon, Cosner, Cox, Grove, Hendricks, Houvouras, Moran, Neale (of Cabell), Nutter, Pedigo, Thomas and Vanmeter—12.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 257), takes effect from its passage.

Ordered, That Mr. Hall communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 55—"A Bill to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments."

With Senate amendments, coming up in regular order for consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

By the insertion of an enacting section to read as follows:

"That section ten of chapter one hundred and thirty-nine of the code of West Virginia be and the same is hereby amended and re-enacted so as to read as follows:"

"On page one, section ten, line nine, after the word 'judgment' insert the words 'or within ten years from the return day of the last execution issued thereon on which there is no return by an officer or which has been returned unsatisfied.' "

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—74.

The noes were:

Messrs. Coberly, Hall, Hays, Mollohan, Neal (of Webster) and Rouss—6.

Absent and not voting:

Messrs. Coon, Cosner, Cox, Grove, Harvey, Houvouras, John, McPherson, Neale (of Cabell), Thomas, Vanmeter and Williams (of Ohio)—13.

Ordered, That Mr. Brand communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 55) as amended.

House Bill No. 104—"A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws".

With Senate amendment (on the calendar under Unfinished Business), coming up in regular order for consideration, was

On motion of Mr. Twyman (on behalf of Mr. John), laid over until tomorrow (Thursday, February 13th), retaining its place on the calendar.

Unanimous consent being given, on motion of Mr. Starcher,

Senate Bill No. 114—"A Bill to amend and re-enact chapter fifteen-j, Barnes' code of one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humance Society a state board of childrens' guardians and to define its duties."

On first reading, was taken up out of its regular order for consideration and read a first time.

On motion of Mr. Weiss, reference to a committee was dispensed with, and the bill (S. B. No. 114) was ordered to its second reading.

Unanimous consent being given, on motion of Mr. Perin,

SENATE JOINT RESOLUTION NO. 13—"Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffering from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the pre-eminent location for such sanitarium."

Was taken up out of its regular order, for immediate consideration and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brammer, Bray, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley,

McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—79.

The noes were:

None.

Absent and not voting:

Messrs. Brand, Byrnes, Cosner, Cox, Grove, Harvey, Houvouras, John, Neale (of Cabell), Parsons, Summers, Thomas, Vanmeter and Williams (of Ohio)—14.

Ordered, That Mr. Perin communicate to the Senate the concurrence of the House in the adoption of the resolution (S. J. R. No. 13).

On motion of Mr. Perin,

HOUSE JOINT RESOLUTION No. 4—"Providing for the appointment of a committee to wait upon the secretary of war and to point out to him the need of a sanitarium for the treatment of invalid soldiers suffereing from rheumatism, diabetes and kindred diseases, and recommending Berkeley Springs, in this state, as the pre-eminent location for such sanitarium".

Was indefinitely postponed.

Unanimous consent being given, on motion of Mr. Moran.

House Bill No. 212—"A Bill to amend chapter fifteen-*h* of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-*a*, serial section five hundred and forty-two-*a* of Hogg's code, providing for the establishment and location of a miners hospital in the town of Mullens, Wyoming county, which shall be known as Mullens hospital number four."

On first reading, was taken up out of its regular order for immediate consideration, read a first time and ordered to its second reading.

Unanimous consent being given, on motion of Mr. Moore,

Senate Bill No. 178—"A Bill to encourage the breeding of horses the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses".

On first reading, was taken up out of its regular order for immediate consideration.

On motion of the same gentleman reference to a committee was dispensed with, and

The bill (S. B. No. 178) was read a first time and ordered to its second reading.

On the further motion of the same gentleman, Senate Bill No. 178 was substituted for and in lieu of

House Bill No. 183—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

On second reading.

The hour of 11 o'clock, A. M., having arrived

House Bill No. 21—"A Bill to amend and re-enact section forty-seven of chapter fifteen-h of the code of West Virginia (Barnes' edition) one thousand nine hundred and sixteen, relating to the weighing of coal."

Which was made a special order for that hour,

On second reading, coming up for consideration, was read a second time.

Mr. Starcher moved to amend the bill on page one, section forty-seven, in line two, by striking out the word "ten" and inserting in lieu thereof the word "twenty."

Mr. Godfrey moved to amend the amendment by striking out the word "twenty" and inserting in lieu thereof the word "thirty."

Which motion did not prevail.

The question recurring upon the adoption of the amendment proposed by Mr. Starcher, the same was put by the Chair and prevailed.

On motion of Mr. Starcher, the bill was amended on page four, line twenty-two, by striking out the word "sealer" and inserting in lieu thereof the word "inspector."

Mr. Twyman moved to amend the bill on page four, by adding the following at the end of section forty-seven: "nothing herein contained shall prohibit an operator of a coal mine from entering into a contract with men to dig coal by the car."

On that question, on the adoption of the amendment,

Mr. Starcher demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the roll call,

Mr. Starcher moved that the announcement of the vote be postponed until 2:05 o'clock, this afternoon.

Which motion did not prevail.

Whereupon,

The Clerk announced the vote, as follows:

The ayes were:

Messrs. Anderson, Bland, Bray, Calhoun, Capehart, Ferguson, Godfrey, Hale, Hays, Hersman, Hickman, Hilleary, Jones, Kuykendall, Lantz, Lester, Mahan, Moran, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Otto, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Summers, Thurmond, Twyman, Vaughn, Wysong and Wolfe (Speaker)—38.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Clements, Coberly, Coleman, Coon, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hendricks, Hobbs, Kern, Miller, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Nutter, O'Connor, Pettigrew, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Vaughn, Weiss, and Williams (of Ohio)—39.

Absent and not voting:

Messrs. Byrnes, Cosner, Cox, Cunningham, Grove, Harvey, Houvouras, Howard, John, Mollohan, Neale (of Cabell), Parsons, Swisher, Thomas, Vanmeter and Williams (of Pleasants)—16.

So, a majority of the members present not having voted in the affirmative, the amendment did not prevail.

On motion of Mr. Starcher, the bill was amended on page four, in line twenty-four, by inserting after the word "sealer" the words "or inspector."

On motion of Mr. Hale, the bill was amended on page four, by adding at the end of line twenty-four, the following: "*Provided, however, that upon the protest, in writing, of fifty per cent. of the employees of any coal company in this state, no scales shall be installed.*"

The bill, as amended, was then ordered to its engrossment and third reading.

The following bills were introduced, on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. Blizzard:

House Bill No. 285—"An emergency appropriation bill to provide a fund for the purchase of free textbooks and to provide for the distribution of such fund among the districts and independent school districts of the state."

Referred to the Committee on Taxation and Finance.

By Mr. Scott (by request):

House Bill No. 286—"A Bill prohibiting legacies, requests and devises for certain purposes and declaring such legacies, requests and devises null and void."

Referred to the Committee on the Judiciary.

And, (by request):

House Bill No. 287—"A Bill to provide for the regular inspection by the sheriffs and grand juries of the respective counties of every place, grounds and building maintained or used as a hospital, reformatory home, sanitarium, house of detention, asylum, school, convent, orphanage, house of good shepherd, monastery, home or any similar institutions under any other name by private individuals, corporations, sole or aggregate associations, churches, or bodies, within the state of West Virginia, and of all inmates and persons confined therein; prescribing the manner of such inspection and the duties of all persons in connection therewith, with penalties for any interference with such inspection, or failure to perform the duties imposed under this act."

Referred to the Committee on Humane Institutions and Public Buildings.

By Mr. Perin:

House Bill No. 288—"A Bill to amend and re-enact section six, of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen."

Referred to the Committee on the Judiciary.

By Mr. Moran (by request):

House Bill No. 289—"A Bill to authorize and empower the state board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."

Reference to a Committee dispensed with and ordered to first reading.

By Mr. Kern (by request):

House Bill No. 290—"A Bill authorizing tenants in common and copartners of land to pay their proportionate share of the taxes assessed against the land and providing that the sale thereof for unpaid taxes shall not impair or divert the title of those who have paid their respective shares of such taxes."

Referred to the Committee on the Judiciary.

By Mr. Lantz:

House Bill No. 291—"A Bill to authorize the board of education of Grant district, Wetzel county, to borrow or otherwise secure sufficient funds to finish constructions of public school buildings in

the district of Grant, Wetzel county, and to empower them to lay a special levy to provide funds for paying same with interest."

"WHEREAS, The board of education of Grant district, Wetzel county, has heretofore begun the building and construction of public school buildings in the district of Grant. and

"WHEREAS, The funds provided for said purpose have been exhausted, and

"WHEREAS, It is necessary to at once complete the construction of said buildings to prevent severe damage to same, therefore".

Reference to a Committee dispensed with, and bill ordered to first reading on special calendar.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 11)—An Act to amend, revise and consolidate into one act, the act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, "An act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county," and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five; February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington.

Also,

(H. B. No. 15)—An Act to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution.

And,

(H. B. No. 19)—An Act to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twelfth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 11)—An Act to amend, revise and consolidate into one act, the act of the legislature of West Virginia, passed February sixteenth, one thousand nine hundred and one, entitled, "An Act to amend and re-enact and to reduce into one act the several acts incorporating the town of Mannington, in the county of Marion, defining the powers thereof and describing the limits of said town, and incorporating the city of Mannington, in said county," and all subsequent acts of the legislature of said state, including the acts passed February seventeenth, one thousand nine hundred and five; February twentieth, one thousand nine hundred and fifteen, and February nineteenth, one thousand nine hundred and seventeen, which form a part of the charter of the city of Mannington.

Also,

(H. B. No. 15)—An Act to establish a state institution for the deaf and blind persons of the Negro race, and to provide for the management of such institution.

And,

(H. B. No. 19)—An act to establish a state institution for the care and treatment of insane persons and other incurable mental defectives of the Negro race, and to provide for the management of such institution.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(H. B. No. 166)—An Act authorizing the county court of Wirt

county, West Virginia, to lay a special levy for the year one thousand and nine hundred and twenty, and if necessary for the purpose for the year one thousand nine hundred and twenty-one on all taxable property of said county for the purpose of erecting a public bridge across the Little Kanawha river at the county-seat thereof, and providing for the receipt and disbursement of all moneys raised by said levy.

And,

(S. B. No. 182)—An Act authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire land by condemnation or otherwise, not to exceed ten acres, for district high school purposes, and authorizing a special levy to pay for the same.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the twelfth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 166)—An Act authorizing the county court of Wirt county, West Virginia, to lay a special levy for the year one thousand and nine hundred and twenty, and if necessary for the purpose for the year one thousand nine hundred and twenty-one on all taxable property of said county for the purpose of erecting a public bridge across the Little Kanawha river at the county-seat thereof, and providing for the receipt and disbursement of all moneys raised by said levy.

And,

(S. B. No. 182)—An Act authorizing the board of education of Washington district, Pleasants county, West Virginia, to acquire land by condemnation or otherwise, not to exceed ten acres, for

district high school purposes, and authorizing a special levy to pay for the same.

Respectfully submitted,
W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 104)—An Act to create and incorporate the municipal corporation of the city of Buckhannon, in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof.

Also,

(H. B. No. 116)—An Act relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof.

Also,

(S. B. No. 153)—An Act authorizing the county court of Logan county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose, for the year one thousand nine hundred and twenty, on the taxable property in said county, for the purpose of building for said county, at the county-seat thereof a jail, and providing for the building thereof and for the receipt and disbursement of all moneys raised by said levy.

Respectfully submitted,
W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the twelfth day

of February, one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 104)—An Act to create and incorporate the municipal corporation of the city of Buckhannon, in the county of Upshur and state of West Virginia, and to grant a charter thereto, and defining the powers of said city, and fixing the corporate limits of said city, and defining the powers and duties of the said city, and the officers thereof.

Also,

(H. B. No. 116)—An Act relating to claims against the state, county courts, boards of education and municipalities, and the allowance and payment thereof.

Also,

(S. B. No. 153)—An Act authorizing the county court of Logan county, West Virginia, to lay a special levy for the year one thousand nine hundred and nineteen, and if necessary for the purpose, for the year one thousand nine hundred and twenty, on the taxable property in said county, for the purpose of building for said county, at the county-seat thereof a jail, and providing for the building thereof and for the receipt and disbursement of all moneys raised by said levy.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(H. B. No. 75)—An Act to amend and to re-enact section four of chapter twenty-seven of the acts of one thousand nine hundred and nine.

And,

(H. B. No. 91)—An Act to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of the part entitled, "Greater Wheeling Charter," of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand

nine hundred and fifteen, entitled: "An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven, entitled: 'An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six, entitled: 'An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling;' " chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form a part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election to be held on the fourth Thursday in May, one thousand nine hundred and fifteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twelfth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 75)—An act to amend and to re-enact section four of chapter twenty-seven of the acts of one thousand nine hundred and nine.

And,

(H. B. No. 91)—An act to amend and re-enact sections fifty-two, seventy-six, eighty-three and eighty-four of the part entitled,

"Greater Wheeling Charter," of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled: "An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven, entitled: 'An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six, entitled: 'An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling;' " chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form a part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election to be held on the fourth Thursday in May, one thousand nine hundred and fifteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

On motion of Mr. McClintic, the resolutions offered by Mr. Wysong and Mr. McClintic, respectively, were made special orders for 4 o'clock this afternoon.

HOUSE CONCURRENT RESOLUTION No. 9.

"Relating to the judgment of Virginia vs. West Virginia."

Resolved, by the House of Delegates, the Senate concurring, That the offer of settlement of the judgment of Virginia vs. West Virginia made by the Virginia Debt Commission be, and the same is hereby, accepted, and the Committees on the subject of the Virginia debt of the respective Houses are hereby directed to prepare and submit to the House and Senate suitable bill or bills for the

purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, necessary to carry out the terms of such offer.

Coming up in regular order for consideration.

Mr. Anderson moved that the resolution be laid on the table.

Pending which,

Mr. Pettigrew rose to speak, and

Mr. Anderson rose to the point of order "that a motion to lay on the table was not debatable."

Which point of order, the Chair held well taken.

The question recurring on the motion of Mr. Anderson to table the resolution,

On that question,

Mr. Kuykendall demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bannister, Blizzard, Brand, Brammer, Byrnes, Capehart, Coleman, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Hersman, Hilleary, Howard, Jones, Lantz, Moran, Morris, Musser, McClaren, McDermitt, McPherson, Otto, Pedigo, Pridemore, Rankin, Sarver, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Williams (of Pleasants) and Wysong—41.

The noes were:

Messrs. Blackhurst, Bland, Bray, Calhoun, Clements, Cunningham, Ferguson, Hackney, Hamilton, Harvey, Hays, Hendricks, Hickman, Hobbs, John, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Moulds, McCauley, McClintic, Neal (of Webster) Nutter, O'Connor, Parsons, Peck, Perin, Pettigrew, Richards, Rouss, Shomo, Summers, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—42.

Absent and not voting:

Messrs. Coberly, Cosner, Cox, Cuppett, Grove, Houvouras, McVey, Neale (of Cabell), Thomas and Vanmeter—10.

So, a majority of the members present not having voted in the affirmative, the motion did not prevail.

During the roll call, Mr. Twyman made the following statement, in explanation of his vote, and requested that the same be made a part of the Journal:

"I hold in my hand the report of the New Virginia debt commission, and desire to read therefrom the following:

“ ‘This Commission therefore respectfully reports:

“ ‘The question of accepting Virginia’s proposition, made direct to you by Mr. Harrison, as a result of our negotiations, is one, as we understand it, wholly for the legislature. Briefly stated again that proposition is:

“ ‘1. That you satisfy the judgment with bonds delivered to the State of Virginia, at par, less the payment of \$1,062,867.16 and one-half the costs of the suit, as declared by the Court.

“ ‘2. That the said bonds cover a period of twenty years and bear 3½% interest.

“ ‘3. That this State retain in her treasury or in escrow bonds to the amount of the undeposited certificates to be turned over only when or if said outstanding and undeposited certificates are presented.

“ ‘The market value of 3½% municipal and state bonds at the present time, we are advised, is approximately \$84.00 on the \$100.00. Whether, therefore, the legislature desires to settle on the foregoing terms the judgment which the Supreme Court says it has the power to enforce, withholding bonds covering the undelivered certificates, a proposition which this Commission believes is the very best and only concession that can be obtained, is a matter for the legislature and for no one else to determine.’

“Believing this is the best proposition we can get, and believing this is the only recommendation they could make, except direct us to go on and vote, I believe we should face this proposition like men at this time, and I, therefore, vote no.”

On motion of Mr. McClintic, the resolution (House Concurrent Resolution No. 9) was made a special order for 3 o’clock, P. M., Thursday, February 13th.

On motion of Mr. McClintic, the House recessed until 2 o’clock, P. M.

AFTERNOON SESSION.

A message from the Senate by Mr. Harmer, announced that the Senate had concurred in the passage of

House Bill No. 59—“A Bill in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto.”

A message from the Senate by Mr. Chapman, announced the passage by that body of

Senate Bill No. 99—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine and sixty-four, as amended by chapter thirty-nine, acts of one thousand nine hundred and seventeen, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty, and adding sections forty and one hundred and twenty-a, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Coalter, announced the passage by that body of

House Bill No. 111—"A Bill to authorize the board of education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

With Senate amendments and asked the concurrence of the House therein.

A message from the Senate by Mr. Coalter, announced the passage by that body of

Senate Bill No. 192—"A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Sanders, announced that the Senate had adopted the report of the Conference Committee on the disagreeing votes of the two Houses as to

Senate Bill No. 12—"A Bill to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen, codifying and embracing in one act all the general laws relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body and for the creation and distribution of the general school fund."

And had passed the bill (S. B. No. 12) as amended, and requested the concurrence of the House therein.

The report of the Conference Committee is as follows:

Mr. Parsons, from the Committee of Conference on the disagreeing votes of the two Houses as to Engrossed Senate Bill No. 12, submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two Houses as to

"A Bill to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen, codifying and embracing in one act all the general laws, relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund."

After a full and free conference, have agreed to recommend and do recommend, as follows:

On the amendment offered by Mr. McClintic and adopted by the House amending part of section twelve on page twenty-five by striking out after the word "draft" in line nineteen all that follows down to and including the word "jurisdiction" in line twenty-nine. The Conference Committee have agreed that such amendment should not be adopted, but that part of such section should read as follows: Beginning at line twenty and ending in line twenty-nine at the end of the word "jurisdiction": "Any member of such fiscal body, or any officer or person who wilfully violates any of the provisions of this act, shall expend any money, or incur any debt or obligation, or make or participate in the making of any such contract, or be a party thereto in any official capacity, or issue or cause to be issued any such certificate, order or other

evidence or indebtedness, shall be personally liable therefor, both jointly and severally, and an action may be maintained therefor by the state, or by any county, municipal corporation, district, or person prejudiced thereby, in any court of competent jurisdiction."

On the second amendment proposed by Mr. McClintic and adopted by the House on page twenty-five, in line thirty, by striking out the words "negligently or" the Conference Committee have agreed to accept said amendment.

On the amendment offered by Mr. Richards and adopted by the House, amending part of section five, on page eight, by inserting in line three after the word "district" the words "except the independent school district of Wheeling," the Conference Committee has agreed to accept said amendment.

Respectfully submitted,

JOSEPH M. SANDERS,

W. B. GRIBBLE,

FRED L. FOX,

Conferees on the part of the Senate.

S. L. PARSONS,

H. C. RICHARDS,

ALBERT J. KERN,

Conferees on the part of the House.

A message from the Senate by Mr. Sanders, announced that that body had concurred in the House amendments to

Senate Bill No. 11—"A Bill to amend and re-enact section four of chapter one hundred and fourteen-b of the code of West Virginia, one thousand nine hundred and thirteen."

And,

Senate Bill No. 7—"A Bill to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia."

The hour having arrived to which

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred fourteen of the code of West Virginia, being section four thousand six hundred and seven of Hoggs' code of one thousand nine hundred and thirteen."

With Senate amendment by substitution, was made a special order, the amendment was reported by the Clerk and agreed to.

The amendment is as follows:

Senate substitute for

House Bill No. 6—"A Bill to amend and re-enact section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen."

Be it enacted by the Legislature of West Virginia:

That section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen be, and is, hereby amended and re-enacted so as to read as follows:

Records—How Kept.

"Sec. 4. The proceedings of every court shall be entered in a book and the law orders read in open court by the clerk of the court. The law proceedings of each day shall be drawn up at large and read the next succeeding court day immediately after the court is opened and after being read and corrected where it is necessary shall be signed by the judge or presiding officer before the transaction of any other business, except those of the last day of the term and of the day on which the court may adjourn to a future day as prescribed in chapter one hundred and twelve of the code, which shall be drawn up and read and corrected where it is necessary and signed by the said judge or officer on the same day. The chancery proceedings of each day shall be drawn up at large, and signed by the judge, after being corrected where it is necessary."

The bill as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Calhoun, Clements, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hays Hilleary, Hobbs, Howard, Jones, Kern, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), O'Connor, Otto, Peck, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Bray, Byrnes, Capehart, Coberly, Coleman, Cosner, Cox, Cuppett, Grove, Hall, Harvey, Hendricks, Hersman, Hickman, Houvouras, John, Kuykendall, Miller, McVey, Neale (of Cabell), Nutter, Parsons, Pedigo, Pettigrew, Stover, Thomas, Twyman, Vaughn and Vanmeter—29.

Ordered, That Mr. Richards communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 6), as amended by the Senate by substitution.

On motion of Mr. Shomo, leave of absence was granted to Mr. Grove on account of illness.

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-*a* of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-*a* of the code of West Virginia of one thousand nine hundred and thirteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Calhoun, Clements, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Otto, Pedigo, Pridemore, Rankin, Rouss, Sarver, Scott, Shaw, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Ohio), Williams (of Pleasants), Wyson and Wolfe (Speaker)—64.

The noes were:

Messrs. Coberly, Hackney, Hendricks, Neal (of Webster), O'Connor, Pettigrew and Stover—7.

Absent and not voting:

Messrs. Anderson, Byrnes, Capehart, Coon, Cosner, Cox, Cuppett, Grove, Harvey, Houvouras, Kern, Lester, Neale (of Cabell), Nutter, Parsons, Peck, Perin, Richards, Shomo, Thomas, Vaughn and Vanmeter—22.

Ordered, That Mr. Swisher communicate to the Senate the passage of the bill (H. B. No. 9) and ask concurrence therein.

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-

two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Bray, Capehart, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Miller, Moore, Moran, Morris, Moulds, McClaren, McClintic, McVey, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Weiss and Wysong—50.

The noes were:

Messrs. Bland, Brand, Brammer, Calhoun, Clements, Ferguson, Hersman, Jones, Mahan, Mollohan, McCauley, McDermitt, McPherson, Neal (of Webster), Rankin, Rouss, Sarver, Shaw, Swisher, Taylor, Thurmond, Twyman, Williams (of Pleasants) and Wolfe (Speaker)—24.

Absent and not voting:

Messrs. Byrnes, Coberly, Cosner, Cox, Cuppett, Grove, Harvey, Hilleary, Houvouras, Lester, Musser, Neale (of Cabell), Nutter, Parsons, Richards, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—19.

Ordered, That Mr. Moore communicate to the Senate the passage of the bill (H. B. No. 115) and ask concurrence therein.

House Bill No. 41—"A Bill establishing a building code, regulating the construction of, repair of, alteration on the additions to public and other buildings and parts thereof; regulating the sanitary condition of public and other buildings, providing for fire protection and fire prevention; and providing for the construction and erection of elevators, stairways and fire escapes in and upon public buildings."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hendricks, Hersman, Hickman, Hil-

leary, Hobbs, Howard, Kern, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—57.

The noes were:

Messrs. Bland, Bray, Calhoun, Ferguson, Hays, John, Jones, Kuykendall, Lantz, Mollohan, McCauley, Neal (of Webster), Richards, Shaw, Summers, Thurmond and Twyman—17.

Absent and not voting:

Messrs. Byrnes, Cuppett, Grove, Hall, Harvey, Houvouras, Lester, McVey, Neale (of Cabell), Nutter, Rouss, Sturm, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Wysong communicate to the Senate the passage of the bill (H. B. No. 41) and ask concurrence therein.

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hay, Hendricks, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Thurmond, Twyman, Vanmeter, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—68.

The noes were:

Messrs. Ferguson, Hersman, McDermitt, Pridemore, Sarver and Taylor—6.

Absent and not voting:

Messrs. Anderson, Cosner, Cox, Cuppett, Grove, Hall, Harvey, Houvouras, Lester, Moran, Neale (of Cabell), Neal (of Webster), Nutter, Sturm, Swisher, Thomas, Vaughn., Vanmeter and Williams (of Ohio)—19.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 132) and ask concurrence therein.

Senate Bill No. 61—"A Bill to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hendricks, Hersman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—67.

The noes were:

Messrs. Coberly, Ferguson, Hays, Hickman, Mollohan, McCauley, Neal (of Webster), Sarver and Shaw—9.

Absent and not voting:

Messrs. Coon, Cosner, Cox, Cuppett, Fortney (of Harrison), Grove, Harvey, Houvouras, Lester, Moran, McPherson, Neale

(of Cabell), Nutter, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—17.

Ordered, That Mr. Blizzard communicate to the Senate the passage of the bill (S. B. No. 61) as amended by the House of Delegates and ask concurrence therein.

House Bill No. 123—"A Bill to amend chapter forty-three, Barnes' code, one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-*a*, authorizing county courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—71.

The noes were:

Mr. Sarver—1.

Absent and not voting:

Messrs. Blackhurst, Blizzard, Coon, Cosner, Cox, Cuppett, Grove, Harvey, Hersman, Houvouras, Lester, McPherson, McVey, Neale (of Cabell), Nutter, Scott, Shomo, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—21.

On motion of Mr. Bray, the title was amended by striking it out in its entirety and inserting in lieu thereof the following:

"A Bill to amend and re-enact section twenty-two of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to add section twenty-eight-*b* thereto, all relating to public highways and bridges and authorizing a bridge

levy and a change in the method of improving public roads and location of same under certain conditions."

Ordered, That Mr. Calhoun communicate to the Senate the passage of the bill (H. B. No. 123) and ask concurrence therein.

SENATE JOINT RESOLUTION No. 3—Proposing an amendment to sections twenty-two and thirty-three of article six of the constitutions of this state.

Resolved by the Legislature of West Virginia, two-thirds of all the Members Elected to Each House Agreeing Thereto:

That the following amendments to section twenty-two and thirty-three of article six of the constitution of this state be, and the same are hereby agreed to, to-wit:

That sections twenty-two and thirty-three of article six of the constitution of the state of West Virginia be amended so as to read as follows:

Section 22. No session of the legislature shall continue longer than sixty days without the concurrence of two-thirds of the members elected to each House; and no bill shall be received after the forty-fifth day of the session.

Sec. 33. The members of the legislature shall each receive for their services the sum of five hundred dollars per annum and ten cents for each mile travelled in going to and returning from the seat of government by the most direct route. The Speaker of the House of Delegates and the President of the Senate shall each receive an additional compensation of two dollars per day for each day they shall act as presiding officers. No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either House for postage, stationery, newspapers, or any other purpose whatever.

On third reading, coming up in regular order for consideration, was read a third time and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Shaw, Shomo, Spangler, Starcher,

Stover, Sturm, Summers, Swisher, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—69.

The noes were:

Messrs. Neal (of Webster)—Sarver, Scott and Taylor—4.

Absent and not voting:

Messrs. Calhoun, Coberly, Cosner, Cox, Cuppett, Grove, Harvey, Hersman, Houvouras, McPherson, McVey, Neale (of Cabell), Parsons, Pedigo, Rouss, Thomas, Thurmond, Vaughn, Vanmeter and Williams (of Ohio)—20.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the resolution was adopted.

Ordered, That Mr. Hall communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution. (S. J. R. No. 3).

House Bill No. 65—"A Bill to provide for the protection of the traveling public on street and interurban railroad cars, by providing for heat, sand and aisle; to provide seats for conductors and motormen; relating to hauling freight, and spotters employed by the company."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Byrnes, Clements, Coberly, Coleman, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Kern, Lantz, Mahan, Miller, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Nutter, O'Connor, Otto, Pedigo, Perin, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Thurmond and Weiss—44.

The noes were:

Messrs. Bland, Brammer, Bray, Calhoun, Capehart, Cunningham, Ferguson, Fitch, Godfrey, Hale, Hays, Jones, Lester, Mollohan, McCauley, McClaren, McClintic, Neal (of Webster), Peck, Pettigrew, Pridemore, Rankin, Rouss, Scott, Shaw, Summers, Swisher, Twyman, Williams (of Pleasants), Wysong and Wolfe (Speaker)—31.

Absent and not voting:

Messrs. Anderson, Coon, Cosner, Cox, Cuppett, Grove, Harvey, Houvouras, Kuykendall, Moran, McVey, Neale (of Cabell),

Parsons, Richards, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—18.

Ordered, That Mr. Weiss communicate to the Senate the passage of the bill (H. B. No. 65) and ask concurrence therein.

On motion of Mr. McClintic, the rules were suspended and

Senate Bill No. 196—"A Bill providing for the prompt furnishing to the judiciary of the state of copies of laws taking effect from their passage."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—74.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Capehart, Coon, Cosner, Cox, Cuppett, Grove, Harvey, Houvouras, Lester, Neale (of Cabell), Neal (of Webster), Nutter, Pridemore, Summers, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—19.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by

four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—72.

The noes were:

None.

Absent and not voting:

Messrs. Byrnes, Coon, Cosner, Cox, Cuppett, Fortney (of Harrison), Grove, Harvey, Hilleary, Houvouras, Lester, Miller, McPherson, Neale (of Cabell), Nutter, Pettigrew, Pridemore, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—21.

Mr. McClintic moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore,

Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—76.

The noes were:

None.

Absent and not voting:

Messrs. Calhoun, Coon, Cosner, Cox, Cuppett, Grove, Harvey, Houvouras, Lester, McPherson, Neale (of Cabell), Nutter, Summers, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—17.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 196), takes effect from its passage.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House of Delegates in the passage of the bill to take effect from its passage.

House Bill No. 107—"A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the said state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Ferguson, Fortney (of Preston), Hackney, Hays, Hendricks, Hilleary, John, Jones, Lester, Mahan, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McDermitt, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Rankin, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Twyman, Weiss, Wysong and Wolfe (Speaker)—50.

The noes were:

Messrs. Anderson, Bland, Godfrey, Hale, Hall, Hamilton, Hersman, Hickman, Howard, Kern, Kuykendall, Lantz, Miller, Moran, McClaren, McClintic, McPherson, Nutter, Pedigo, Petti-

grew, Pridemore, Summers, Swisher, Thurmond and Williams (of Pleasants)—25.

Absent and not voting:

Messrs. Coon, Cosner, Cox, Cuppett, Fitch, Fortney (of Harrison), Grove, Harvey, Hobbs, Houvouras, McVey, Neale (of Cabell), Perin, Richards, Thomas, Vaughn, Vanmeter and Williams (of Ohio)—18.

Ordered, That Mr. Taylor communicate to the Senate the passage of the bill (H. B. 107) and ask concurrence therein.

Unanimous consent being given,

Mr. Kuykendall introduced the following bill:

House Bill No. 292—"A Bill amending and re-enacting section one twenty-nine of chapter forty-three of the nineteen eighteen supplement of Hogg's code, being section one thirty-nine of chapter sixty-six of the acts of the regular session of the legislature of nineteen seventeen, providing for the fixing of license taxes on motor vehicles by the state road commission."

Referred to the Committee on Roads and Internal Navigation.

Unanimous consent being given,

Mr. McClintic introduced the following bill:

House Bill No. 293—"A Bill relating to motion picture films, reels or stereopticon views or slides; providing a system of examination, approval and regulation thereof, and of the banners, posters and other like advertising matter used in connection therewith; creating the board of censors; and providing penalties for the violation of this act."

Referred to the Committee on Taxation and Finance.

Unanimous consent being given,

Mr. Moran introduced the following bill:

House Bill No. 294—"A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and fifty-two of chapter fourteen of the acts of the legislature, one thousand nine hundred and fifteen, incorporating the city of Williamson."

On motion of Mr. Moran, reference of the bill to a committee was dispensed with and the bill was ordered to its first reading on the special calendar.

Unanimous consent being given.

On motion of Mr. Hersman,

SENATE JOINT RESOLUTION No. 15.

"Proposing an amendment to the Constitution of this State."

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the following amendment to the Constitution of this State be, and the same is hereby agreed to, to-wit:

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing or maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time shall not exceed fifty million dollars.

When a bond issue as aforesaid is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

On first reading, was taken up out of its regular order for consideration, read a first time, reference to a committee dispensed with, and ordered to its second reading.

Mr. Thurmond moved that the House reconsider the vote by which

Senate Bill No. 36—"A Bill dispensing with the necessity of any natural person affixing a seal to any deed, trust deed, mortgage, lease or other writing conveying, selling, or agreeing to sell, leasing, renting, or encumbering real estate, and making valid such instruments of writing heretofore executed by any natural person, lacking such seal, and making the same evidence; and providing that an action of covenant may be maintained thereon for the breach of any covenant or warranty therein."

Was on yesterday rejected.

Which motion did not prevail.

Mr. Wysong moved to take up out of its regular order for immediate consideration

House Bill No. 2—"A Bill amending and re-enacting sections one, two and three of chapter seventeen of Barnes' code of one thousand nine hundred and eighteen, and adding section three-a relating to depository bonds and the collecting, depositing and safeguarding all moneys collected by the state, and prohibiting

the treasurer from owning any stock in, or being a stockholder or officer in any depository during his term of office."

On first reading,

Pending which,

On motion of Mr. Nutter the motion of Mr. Wysong was laid on the table.

On motion of Mr. Fortney (of Preston), the House recessed until 7:30 o'clock.

NIGHT SESSION.

The House met at the expiration of the recess.

House Bill No. 266—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve (a), one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one and one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen, entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine, incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and re-

pealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."

On second reading, coming up in regular order for consideration on the special calendar, was

On motion of Mr. Kern laid over, retaining its place on the special calendar.

Substitute House Bill No. 152—"A Bill to amend and re-enact section two of the part entitled 'Greater Wheeling Charter,' of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled: 'An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven,' entitled: 'An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six,' entitled: 'An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling'; chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election held on the fourth Thursday in May, one thousand nine hundred and fifteen."

On third reading, coming up in regular order for consideration, was read a third time.

Mr. Williams (of Ohio), asked unanimous consent to offer an amendment, which consent was not given, Mr. Weiss objecting.

Mr. Brand moved that the House reconsider the vote by which the bill (H. B. No. 152) was passed from second to third reading.

Which motion did not prevail.

The bill was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs Bannister, Bland, Blizzard, Bray, Byrnes, Coleman, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hays, Hendricks, Hersman, Hickman, Hilleary, Howard, Kuykendall, Mahan, Musser, McClintic, Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Richards, Sarver, Shomo, Starcher, Stover, Sturm, Twyman, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—39.

The noes were:

Messrs. Blackhurst, Brand, Brammer, Calhoun, Coon, Cunningham, Hamilton, Hobbs, John, Jones, Lantz, Lester, Mollohan, Moore, Moran, Morris, McClaren, McDermitt, McPherson, Neal (of Webster), Rankin, Shaw, Spangler, Swisher, Thurmond and Vaughn—26.

Absent and not voting:

* Messrs. Anderson, Capehart, Clements, Coberly, Cosner, Cox, Cuppett, Fitch, Grove, Hackney, Hale, Hall, Harvey, Houvouras, Kern, Miller, Moulds, McCauley, McVey, Neale (of Cabell), Pedigo, Rouss, Scott, Summers, Taylor, Thomas, Vanmeter and Wysong—28.

Ordered That Mr. Weiss communicate to the Senate the passage of the bill (H. B. No. 152) and ask concurrence therein.

Senate Bill No. 161—"A Bill to authorize the county court of the county of Marion to establish and maintain a county law library."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan Mollohan, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor,

Otto Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—63.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cuppett, Fitch, Grove, Hackney, Hale, Hall, Harvey, Houvouras, Kuykendall, Miller, Moulds, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Pedigo, Rouss, Scott, Summers, Taylor, Thomas, Vanmeter and Wysong—30.

Ordered, That Mr. Kern communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 161).

House Bill No. 148—"A Bill to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditure of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five of the acts of one thousand nine hundred and seventeen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, O'Connor, Otto, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—62.

The noes were:

None.

Absent and not voting:

Messrs. Capehart, Clements, Coberly, Coon, Cosner, Cox, Cuppett, Godfrey, Grove, Hackney, Hale, Hall, Harvey, Houvouras, Kuykendall, Miller, Moulds, McCauley, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Pedigo, Pettigrew, Rouss, Scott, Summers, Taylor, Thomas, Vanmeter and Wysong—31.

Ordered, That Mr. Musser communicate to the Senate the passage of the bill (H. B. 148) and ask concurrence therein.

House Bill No. 276—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 277—"A Bill relating to interest on high school bonds of Washington district, Pleasants county, West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cunningham, Ferguson Fortney (of Harrison), Fortney (of Preston), Hackney, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Stover, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—59.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Capehart, Clements, Coberly, Coon, Cox, Cosner, Cuppett, Fitch, Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Houvouras, Kuykendall, Miller, Moulds, McCauley, Neale (of

Cabell), Neal (of Webster), Nutter, Pedigo, Rouss, Scott, Shomo, Sturm, Summers, Taylor, Thomas, Vanmeter and Wysong—34.

Mr. Williams (of Pleasants) moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Godfrey, Grove, Hall, Harvey, Houvouras, Kuykendall, Lester, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Peck, Rouss, Scott, Shomo, Summers, Taylor, Thomas, Vanmeter and Wysong—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 277) takes effect from its passage.

Ordered, That Mr. Williams (of Pleasants) communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 181—"A Bill to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety-five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hamilton,

Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, John, Jones, Kern, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClintic, McDermitt, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—58.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Godfrey, Grove, Hale, Hall, Harvey, Houvouras, Howard, Kuykendall, Lester, Miller, McCauley, McClaren, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Pedigo, Rouss, Scott, Summers, Taylor, Thomas, Thurmond, Vanmeter and Wysong—35.

Ordered, That Mr. Moore communicate to the Senate the passage of the bill (H. B. No. 181) and ask concurrence therein.

Senate Bill No. 201—"A Bill to authorize the state board of control to purchase, for the West Virginia industrial school for boys, additional farm lands and to pay for them out of the net earnings of the said lands; and to enable the said board, on these lands, to carry on a general live stock business."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Stover, Swisher, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—57.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Godfrey, Grove, Hale, Hall, Harvey, Houvouras, Kuykendall, Miller, McCauley, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Pedigo, Rouss, Scott, Shomo, Starcher, Sturm, Summers, Taylor, Thomas, Thurmond, Vanmeter and Wysong—36.

Mr. Vaughn moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cuppett, Fitch, Godfrey, Grove, Hall, Harvey, Houvouras, Kuykendall, McCauley, McVey, Neale (of Cabell), Nutter, Pedigo, Rouss, Scott, Starcher, Summers, Thomas, Thurmond, Vanmeter and Wysong—28.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared the bill (S. B. No. 201) takes effect from its passage.

Ordered, That Mr. Vaughn communicate to the Senate the concurrence of the House of Delegates in the passage of the bill, to take effect from its passage.

House Bill No. 280—"A Bill to amend and re-enact section three of chapter nineteen on municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 283—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 263—"A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduit the same as sush home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividend and income from cash stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 198—"A Bill fixing the annual allowance to the clerks of the circuit and county courts of Morgan county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Coleman, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hamilton, Hays, Hendricks,

Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss, Williams (of Ohio), Williams (of Plesants and Wolfe (Speaker)—61.

The noes were: None.

Absent and not voting:

Messrs. Blizzard, Brand, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cuppett, Fitch, Godfrey, Grove, Hale, Hall, Harvey, Houvouras, Kuykendall, McCauley, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Rouss, Scott, Shomo, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter and Wysong—32.

Ordered, that Mr. Perin communicate to the Senate the passage of the bill (H. B. No. 198) and ask concurrence therein.

Senate Bill No. 177—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Upshur county."

On first reading, coming up in regular order for consideration, was read a first time, reference to a committee dispensed with, and ordered to its second reading.

Mr. Richards in the Chair.

House Bill No. 274—"A Bill fixing the annual allowance to the clerk of the circuit court of Mercer county."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 180—"A Bill to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston."

On first reading, coming up in regular order for consideration, was read a first time, reference to a committee dispensed with, and ordered to second reading.

House Bill No. 172—"A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Anderson laid over, retaining its place on the calendar.

House Bill No. 236—"A Bill relating to matter of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-a, thereto, preventing such persons so released from becoming residents of Marshall county, West Virginia, for a period of five years."

On first reading, coming up in regular order for consideration, read a first time and ordered to its second reading.

House Bill No. 221—"A Bill to amend and re-enact section twenty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."

On first reading, coming up in regular order for consideration, read a first time and ordered to its second reading.

House Bill No. 261—"A Bill allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 291—"A Bill to authorize the board of education of Grant district, Wetzel county, to borrow or otherwise secure sufficient funds to furnish construction of public school buildings in the district of Grant, Wetzel county, and to empower them to lay a special levy to provide funds for paying same with interest."

On first reading, coming up in regular order for consideration, was read a first time and ordered to second reading.

Senate Bill No. 162—"A Bill to amend and re-enact sections three and fourteen of chapter fourteen of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-seven, in reference to the charter of the city of Wellsburg, as amended by chapter sixty-five of the acts of one thousand eight hundred and ninety-five; chapter one hundred and forty-nine of the acts of one thousand nine hundred and one; chapters sixty-eight and sixty-nine of the acts of one thousand nine hundred and three; chapter ten of the acts of one thousand nine hundred and seven; and chapter four of the acts of one thousand nine hundred and fifteen; and chapter

one hundred and sixteen of the acts of one thousand nine hundred and seventeen."

On first reading, coming up in regular order for consideration, was read a first time, reference to a committee dispensed with, and ordered to its second reading.

House Bill No. 279—"A Bill to authorize the county court of the county of McDowell to establish and maintain a county law library."

On first reading, coming up in regular order for consideration, was read a first time and ordered to second reading.

House Bill No. 294—"A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and fifty-two of chapter fourteen of the acts of the legislature, one thousand nine hundred and fifteen, incorporating the city of William-son."

On first reading, coming up in regular order for consideration, was read a first time and ordered to second reading.

The Speaker resumed the Chair.

On motion of Mr. Sarver, the House adjourned.

THURSDAY, FEBRUARY 13, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Fortney (of Preston), the further reading thereof was dispensed with.

Mr. Parsons, from the Committee on Taxation and Finance submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

And report the same back with the recommendation that it do pass.

Respectfully submitted,
S. L. PARSONS, *Chairman*.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 288—"A Bill to amend and re-enact section six, of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen."

Also,

House Bill No. 273—"A Bill to amend and re-enact chapter fifty-four-c of Barnes' code of one thousand nine hundred and sixteen by adding thereto sections twelve-a and twelve-b, relating to trust, guaranty and surety companies."

And report the same back with the recommendation that they do pass.

Respectfully submitted,
E. F. MOORE, *Chairman*.

Mr. Moore, from the Committee on the Judiciary submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration, House Bill No. 133—"A Bill to amend and re-enact clause F, of section eight-b (14) of chapter five, of the one thousand nine hundred and sixteen code of West Virginia, relating to the appointment of deputies by candidates."

And,

House Bill No. 230—"A Bill to amend and re-enact section thirty-nine of chapter ninety-two of the acts of the legislature of West Virginia, for one thousand eight hundred and eighty-two, Barnes' code, edition of one thousand nine hundred and sixteen, chapter forty-seven, section thirty-nine, relating to cities, towns and villages."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,
E. F. MOORE, *Chairman*.

House Bill No. 133, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 230, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

The following communication was received from His Excellency, the Governor, and ordered printed in the Journal:

STATE OF WEST VIRGINIA EXECUTIVE DEPARTMENT,

CHARLESTON, February 12, 1919.

Clerk of the House of Delegates, Charleston, West Virginia:

MY DEAR SIR:

I transmit, herewith, the following bills which I have this day approved:

House Bill No. 15, House Bill No. 19, House Bill No. 116, House Bill No. 166.

Very truly yours,

J. J. CORNWELL, *Governor*.

Mr. Shaw asked unanimous consent that his vote on the passage of Senate Bill No. 61, on yesterday, be changed from "no" to "aye".

Which request the Chair held out of order.

House Bill No. 104—"A Bill to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitution and laws".

With Senate amendment, coming up in regular order for consideration.

The amendment proposed by the Senate was reported by the Clerk and agreed to.

The amendment is as follows:

On page four, section three, line five, by striking out the words "for not less than two nor more than" and inserting in lieu thereof the words "not exceed".

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Mollohan, Moore, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—72.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Capehart, Coberly, Coleman, Cosner, Cox, Grove, Hamilton, Hickman, Lantz, Lester, Moran, Morris, McPherson, Neale (of Cabell), Rouss, Shaw, Taylor, Thomas and Vanmeter—21.

Ordered, That Mr. John communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 104) as amended.

House Bill No. 125—"A Bill to amend and re-enact sections six, seven, eight, ten, twelve, thirteen, seventeen, twenty-four, twenty-five and sixty-three, of chapter twenty-nine of the code relating to assessments and taxation."

With Senate amendments, coming up in regular order for consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

Senate amendment to title:

In line two, after the words "twenty-five", strike out "and"; in the same line after the words "sixty-three", insert "and chapter one hundred and thirty-two-a".

Amendments made by the Senate:

In the enacting section, line two, after the words "twenty-five" by striking out "and" and in the same line after the words "sixty-three", by inserting the words "and one hundred and thirty-two-a".

On page two, section six, line ten, by striking out the words "in the court house" and inserting in lieu thereof the words "at the county seat".

On page two, section six, line sixteen, by striking out the word "seventy-five" and inserting in lieu thereof the words "one hundred".

On page four, section eight, line six, after the word "assistants", by the insertion of the words "herein provided for".

On page four, section eight, line eight, after the word "term", by striking out the word "on" and substituting therefor the word "for".

On page five, section ten, lines nineteen and twenty, after the word "assessors" on line nineteen, by striking out the words "shall be uniform throughout the county, which".

On page five, section ten, line twenty, after the word "and", by striking out the word "which".

On page five, section ten, line twenty-one, after the word "than", by striking out the word "five" and inserting in lieu thereof the word "one".

On page five, section ten, lines twenty-two and twenty-five, by striking out the following: "In addition to the foregoing the county court shall allow the assessors a reasonable compensation, payable out of the county treasury, for extending the road levy on the land and property books".

On page five, section twelve, line five, by striking out the word "January", and inserting in lieu thereof the word "April".

On page eight, section twenty-five, line two, before the word "personal", by striking out the word "tangible".

On page nine, section sixty-three, line sixteen, after the word "person", by the insertion of the words "or deposited".

On page nine, section sixty-three, line seventeen, after the word "loaned", by the insertion of the words "or deposited".

On page nine, section sixty-three, line seventeen, after the word "state", by inserting the following: "Any person who any time

before the assessment year transfers by loan, deposit or gift, any moneys, credits, notes, bonds, stocks, certificates of deposit, or other credits, which are subject to taxation, to any one, who does not return a list of taxation as of the day on which the assessment year commences including such property, transfers, loans, deposits or gifts, if made with the intention of evading taxation, shall be deemed and treated as illegal and fraudulent and the assessor shall assess such property for taxation to the party who makes such transfers, loans, deposits or gifts as aforesaid.

On page nine, section one thirty-two-a, line seven, after the word "county", by striking out the words "or the".

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hays, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—71.

The noes were:

Messrs. Bland, Ferguson, Hall, Hersman, Kern, Mollohan, Rankin, Rouss, Summers, and Taylor—10.

Absent and not voting:

Messrs. Capehart, Coleman, Cosner, Cox, Grove, Harvey, Hendricks, McPherson, Neale (of Cabell), Pedigo, Thomas and Vanmeter—12.

Mr. Godfrey moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays,

Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—79.

The noes were:

Messrs. Rankin and Taylor—2.

Absent and not voting:

Messrs. Capehart, Coleman, Cosner, Cox, Grove, Harvey, McPherson, Neale (of Cabell), Sturm, Summers, Thomas and Vanmeter—12.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 125) takes effect from its passage.

Ordered, That Mr. Godfrey, communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 125) as amended.

House Bill No. 111—"A Bill to authorize the board of Education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain clear title therefor."

With Senate amendment, coming up in regular order for consideration.

The amendment proposed by the Senate was reported by the Clerk and agreed to.

The amendment is as follows:

On page four, section one, line four, by striking out the word "three" and inserting in lieu thereof the word "thirteen".

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs,

Houvouras, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—79.

The noes were:

None.

Absent and not voting:

Messrs. Cosner, Cox, Grove, Hale, Harvey, Jones, Neale (of Cabell), Nutter, Peck, Pedigo, Sarver, Scott, Thomas and Vanmeter—14.

Ordered, That Mr. Spangler communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 111) as amended.

Senate Bill No. 12—"A Bill to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen, codifying and embracing in one act all the general laws relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts and municipal corporations to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body and for the creation and distribution of the general school fund."

Coming up in regular order for consideration, with amendments.

The amendments proposed and as reported by the Conference Committee, were severally reported by the Clerk and agreed to.

The amendments are as follows:

The report of the Conference Committee is as follows:

"Mr. Parsons, from the Committee of Conference on the disagreeing votes of the two Houses as to Engrossed Senate Bill No. 12, submitted the following report, which was received:

"Your Committee of Conference on the disagreeing votes of the two Houses as to

"A Bill to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen, codifying and embracing in one act all the general laws, relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts

and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund.

"After a full and free conference, have agreed to recommend and do recommend, as follows:

"On the amendment offered by Mr. McClintic and adopted by the House amending part of section twelve on page twenty-five by striking out after the word "draft" in line nineteen all that follows down to and including the word "jurisdiction" in line twenty-nine. The Conference Committee have agreed that such amendment should not be adopted, but that part of such section should read as follows: Beginning at line twenty and ending in line twenty-nine at the end of the word 'jurisdiction': 'Any member of such fiscal body, or any officer or person who wilfully violates any of the provisions of this acts, shall expend any money, or incur any debt or obligation, or make or participate in the making of any such contract, or be a party thereto in any official capacity, or issue or cause to be issued any such certificate, order or other evidence or indebtedness, shall be personally liable therefor, both jointly and severally, and an action may be maintained therefor by the state, or by any county, municipal corporation, district, or person prejudiced thereby, in any court of competent jurisdiction.'

"On the second amendment proposed by Mr. McClintic and adopted by the House on page twenty-five, in line thirty, by striking out the words 'negligently or' the Conference Committee have agreed to accept said amendment.

"On the amendment offered by Mr. Richards and adopted by the House, amending part of section five, on page eight, by inserting in line three after the word 'district' the words 'except the independent school district of Wheeling,' the Conference Committee has agreed to accept said amendment."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser,

McCauley, McClaren, McClintic, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wiliams (of Pleasants) Wysong and Wolfe (Speaker)—80.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Cosner, Cox, Grove, Harvey, McDermitt, Neale (of Cabell), Nutter, Otto, Sarver, Summers, Thomas and Vanmeter—13.

Ordered, That Mr. Parsons communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 12) as amended.

Mr. Ferguson offered the following resolution:

HOUSE JOINT RESOLUTION No. 12.

“Authorizing the state board of optometry of the state of West Virginia, to issue to Allen Frasher of Fort Gay, Wayne county, West Virginia, a license to practice optometry.”

WHEREAS, Allen Frasher, has been engaged in the practice of optometry for a period of over twenty years, continuously, and is a useful, upright, honorable and intelligent citizen of the county of Wayne, which is attested and evidenced by a petition of sixty-five citizens and tax-payers of said county, and that said citizens and tax-payers reside in the section where said Frasher has been practicing, and said petition shows that there is no other person practicing optometry in said county; and,

WHEREAS, The said Allen Frasher is prevented by a technicality from obtaining a license to practice his said profession; and

WHEREAS, The aforesaid Allen Frasher, now holds a diploma of graduation from Northern Illinois college of Optometry, having graduated in said college in the year of one thousand nine hundred, and has taken a post graduate course in same college in the year one thousand nine hundred and fifteen; and

WHEREAS, The aforesaid Allen Frasher was born and reared in said county, we have been intimately acquainted with him all his life, and know him to be competent and sufficient to do good work, which has always been perfectly satisfactory, and there being no

other man in the county practicing optometry, we recognize in him a useful man to have in said county; therefore, be it

Resolved, by the legislature of West Virginia, That the state board of optometry, be, and is hereby authorized and requested to issue to the said Allen Frasher a license to practice optometry within the state, from and after the passage of this resolution.

On motion of the same gentleman, reference to a committee was dispensed with, and the resolution (H. J. R. No. 12) was ordered placed on the Special Calendar.

Mr. Ferguson also presented the petition of a number of citizens of Wayne county, West Virginia, and Lawrence county, Kentucky, favoring the adoption of House Joint Resolution No. 12, which was received, read by the Clerk and ordered filed.

Mr. Morris offered a resolution, relating to dogs and dog bills,
Which resolution the Chair held out of order.

The resolution offered by Mr. Wysong, coming up in regular order for consideration,

Thereupon,

Mr. Wysong offered the following substitute:

"WHEREAS, The term of the legislature is nearing an end, as limited the constitution, and

WHEREAS, There are numerous bills pending before the legislature which vitally affect the interests of the state at large: therefore

Resolved, That a standing committee of nine members be appointed by the Speaker and such committee is hereby authorized to arrange the calendar for each day in so far as all bills which materially affect the interests of the people are concerned; and be it

Resolved, That until the calendar as arranged by the said committee shall have been disposed of, no other matter shall be considered or take precedence over the said arrangement, except by unanimous consent of the House."

Which was received and adopted.

Whereupon,

The Speaker pursuant to the resolution announced the committee, as follows: Messrs. Twyman (Chairman), Wysong, Moore, McClintic, Swisher, Hersman, McVey, Coberly and McCauley.

The resolution offered by Mr. McClintic, coming up in regular order for consideration, was

On motion of Mr. McClintic, indefinitely postponed.

House Bill No. 21—"A Bill to amend and re-enact section forty-seven of chapter fifteen-h of the code of West Virginia (Barnes'

Edition) one thousand nine hundred and sixteen relating to the weighing of coal".

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Bannister, Blizzard, Brand, Capehart, Clements, Coberly, Coleman, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Morris, Moulds, Musser, McDermitt, O'Connor, Otto, Parsons, Pettigrew, Rankin, Richards, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Vaughn, Weiss and Wysong—50.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Bray, Calhoun, Ferguson, Godfrey, Hale, Hobbs, Lester, Moran, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Pedigo, Perin, Pride-more, Rouss, Summers, Swisher, Thurmond, Twyman, Williams (of Pleasants) and Wolfe (Speaker)—27.

Absent and not voting:

Messrs. Brammer, Byrnes, Coon, Cosner, Cox, Grove, Harvey, Howard, Mollohan, McPherson, Neale (of Cabell), Nutter, Sarver, Thomas, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Blizzard communicate to the Senate the passage of the bill (H. B. No. 21) and ask concurrence therein.

Mr. Weiss asked unanimous consent to take up

House Bill No. 258—"A Bill to amend and re-enact sections fifty-a, twenty-eight-b-one, fifty-b-twenty-eight-b-two, fifty-h-twenty-eight-b-eight, fifty-one-twenty-eight-b-twelve, fifty-yy-twenty-eight-b-twenty-nine of chapter three of Hogg's code of West Virginia, relating to primaries and convention nominations, and providing for the ascertainment and publication of the results thereof."

On first reading, out of its regular order for immediate consideration,

Which was not given, Mr. Hall objecting.

Whereupon,

On motion of the same gentleman, the bill (House Bill No. 258) on first reading, was taken up out of its regular order for immediate consideration, read a first time, and ordered to its second reading.

House Bill No. 138—"A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-a, thirty-one-b, thirty-seven and thirty-eight as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, thirty-seven and thirty-eight, inclusive, as parts of chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

On second reading, coming up in regular order for consideration,

On motion of Mr. John, the bill was amended by striking out all that follows after the enacting clause, and inserting in lieu thereof, the following:

That sections three and four, of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used in unlawful transportation of such liquors; and that chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, be further amended by enacting as additional thereto three sections, to be numbered sections thirty-one-a, thirty-one-b and thirty-seven, inclusive, as parts thereof, and said sections thirty-one-a, thirty-one-b and thirty-seven, inclusive, as parts of said chapter thirty-two-a, Barnes' code, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of "moonshine stills," be amended, re-enacted and added to so as to read as follows:

Section 3. Except as hereinafter provided, if any person 2 acting for himself, or by, for or through another shall manu-

3 facture (other than by "moonshine still") or sell, or keep, store,
4 offer or expose for sale; or solicit or receive orders for any liquors,
5 or absinthe or any drink compounded with absinthe, he shall be
6 deemed guilty of a misdemeanor for the first offense hereunder, and
7 upon conviction thereof shall be fined not less than one hundred
8 dollars nor more than five hundred dollars, and imprisoned in the
9 county jail not less than two nor more than six months; and upon
10 conviction of the same person for the second offense under this
11 act, he shall be guilty of a felony and be confined in the penitenti-
12 ary not less than one nor more than five years; and it shall be the
13 duty of the prosecuting attorney in all cases to ascertain whether
14 or not the charge made by the grand jury is the first or second of-
15 fense; and if it be a second offense, it shall be so stated in the in-
16 dictment returned, and the prosecuting attorney shall introduce
17 the record evidence before the trial court of said second offense,
18 and shall not be permitted to use his discretion in charging said
19 second offense, or in introducing evidence and proving the same on
20 the trial; and any person, except a common carrier, who shall act as
21 the agent or employee of such manufacturer (other than a "moon-
22 shiner") or such seller, or person so keeping, storing, offering or
23 exposing for sale said liquors, or act as the agent or employee of
24 the purchaser of such liquors, shall be deemed guilty of such man-
25 ufacturing, or selling, keeping, storing, offering or exposing for
26-30 sale, as the case may be.

31 An indictment for any first offense under this section shall be
32 sufficient if in the form or effect following:

33 State of West Virginia,

34 County of.....to-wit:

35 In the Circuit Court of.....County:

36 The grand jurors in and for the body of the said county of
37, upon their oaths do present that A. B., within one
38 year next prior to the finding of this indictment, in the said count-
39 ty of....., did unlawfully manufacture, (other than by
40 "moonshine still") sell, offer, keep, store and expose for sale and
41 solicit and receive orders for liquors, and absinthe and drink com-
42 pounded with absinthe, against the peace and dignity of the state.

Sec. 4. The provisions of this act shall not be con-
2 strued to prevent any one from manufacturing (other than
3 by "moonshine still"), from fruit grown exclusively within
4 this state wine for his own domestic consumption; or to prevent
5-21 the manufacture from fruit grown exclusively within this

22 state of vinegar and non-intoxicating cider for use or sale; or to
23 prevent the manufacture and sale at wholesale to druggists only of
24 pure grain alcohol for medicinal, pharmaceutical, scientific and
25 mechanical purposes, or wine for sacramental purposes by religi-
26 ous bodies; or to prevent the sale and keeping and storing for sale
27 by druggists of pure grain alcohol for mechanical, pharmaceut-
28 ical, medicinal and scientific purposes, or of wine for sacramental
29 purposes, by religious bodies, or any United States pharmacopœia
30 or national formulary preparation in conformity with the West
31 Virginia pharmacy law, or any preparation which is exempted by
32 the provisions of the national pure food law, and the sale of which
33 does not require the payment of a United States liquor dealer's
34 tax. But no druggist shall sell any such grain alcohol except for
35 medicinal, scientific, pharmaceutical and mechanical purposes, or
36 for sacramental purposes, except as hereinafter provided, and the
37 same shall not be sold by such druggist for medicinal purposes,
38 except upon a written prescription of a physician of good standing
39 in his profession and not of intemperate habits, or addicted to the
40 use of any narcotic drug, prescribing the amount of alcohol the
41 disease or malady for which it is prescribed, and how it is to be
42 used, the name of the person for whom prescribed, the number of
43 previous prescriptions given by such physician to such person
44 within the year next preceding the date of such prescription, and
45 stating that the same is absolutely necessary for medicine, and not
46 to be used as a beverage, and that such physician, at the time such
47 prescription was given, made a personal examination of such per-
48 son, and that such person is known to such physician to be of
49 temperate habits and not addicted to the use of any narcotic
50 drug, and only one sale shall be made upon such prescription,
51 and such prescription shall be at all times kept on file by such
52 druggist and open to the inspection of all state, county and muni-
53 cipal officers. It shall be the duty of such druggist to register in
54 a book kept for that purpose all prescriptions from physicians
55 mentioned in this section, stating the name of the party for whom
56 prescribed, the date of the prescription, the name of the physician
57 by whom the prescription is issued, the quantity of such alcohol
58 and the use for which prescribed, and such record shall be at all
59 times open to the same inspection as such prescriptions.

60 It shall be lawful for a druggist to sell grain alcohol for
61 pharmaceutical, scientific and mechanical purposes, or wine for
62 sacramental purposes by religious bodies, only to any person, not

63 a minor, and who is not of intemperate habits, or addicted to the
64 use of narcotic drugs, who shall, at the time and place of such
65 sale, make an affidavit in writing signed by himself before such
66 druggist, or a registered pharmacist at the time and place in the
67 employ of such druggist, stating the quantity and the time and
68 place and fully for what purpose and by whom such alcohol or
69 wine is to be used; that affiant is not of intemperate habits or ad-
70 dicted to the use of any narcotic drug; and that such alcohol or
71 wine is not to be used as a beverage, or for any purpose other than
72 that stated in such affidavit. Such affidavit shall be filed and pre-
73 served by such druggist and be subject to inspection at all times
74 by any state, county or municipal officer, and a record hereof
75 made by such druggist in the record book mentioned in this sec-
76 tion, showing the date of the affidavit, by whom made, the quanti-
77 ty of such alcohol, or wine, and when, where, for what purpose
78 and by whom to be used. Only one sale shall be made upon such
79 affidavit, and only in the county where the same is made, and no
80 greater quantity than is therein specified. For the purpose of
81 this act, any druggist or registered pharmacist making such sale
82 shall have authority to administer such oath.

83 If any druggist, owner of a drug store, registered pharmacist,
84 or clerk or employe shall upon such prescription or affidavit, or
85 otherwise, knowingly sell or give any such alcohol or wine to any
86 person who is of intemperate habits or addicted to the use of any
87 narcotic drug, or knowingly sell or give the same to any one to be
88 used for any purpose other than that named in said affidavit or
89 prescription, or who shall sell or give away any liquors without
90 such affidavit or prescription, he shall be deemed guilty of a mis-
91 demeanor and punished by fine of not less than one hundred nor
92 more than five hundred dollars and confined in the county jail not
93 less than thirty days nor more than six months. In any prosecu-
94 tion against a druggist, owner of a drug store, registered phar-
95 macist, clerk or employe, for selling or giving liquor contrary to
96 law, if a sale or gift be proven, it shall be presumed that the same
97 was unlawful in the absence of satisfactory proof to the contrary
98 and the presentation of such prescription or affidavit by the de-
99 fendant at the time of the trial for such sale or gift, shall be suf-
100 ficient to rebut the presumption arising from the proof of such
101 sale or gift. *Provided*, the jury shall believe, from all the evidence
102 in the case, that such sale or gift was made in good faith under the
103 belief that such prescription or affidavit and statements therein

104 were true; and, *provided, further*, that such druggist, owner of a
105 drug store, registered pharmacist, clerk or employe shall have
106 complied with all other provisions of this act relating to the sale
107 or gift.

108 An indictment against, any druggist, registered pharmacist,
109 clerk or employe, for any offense committed under the provisions
110 of this section, shall be sufficient, if in the form and effect follow-
111 ing:

112 State of West Virginia,

113 County of.....to-wit:

114 In the Circuit Court of said County:

115 The grand jurors in and for the body of the said county of
116 upon their oaths do present that A. B., within one
117 year next prior to the finding of this indictment, in the said coun-
118 ty of.....did unlawfully sell, give, offer, expose, keep and
119 store for sale and gift, liquors, against the peace and dignity of
120 the state.

Sec. 14. All houses, boat-houses, buildings, club rooms, and
2 places of every description, including drug stores, where intoxi-
3 cating liquors are manufactured, stored, sold or vended, given
4 away, or furnished in any way contrary to law (including
5 houses in which clubs, orders, or associations, shall barter, give
6 away, distribute, or dispense, intoxicating liquors to their mem-
7 bers by any means or device whatever, as provided in section six
8 of this act), shall be held, taken and deemed, common and pub-
9 lic nuisances. All boats, cars, automobiles, wagons, aircraft,
10 beasts of burden, or vehicles of any kind, where intoxicating
11 liquors are had, kept or possessed for the purpose of transport-
12 ing, or carrying, in any way, contrary to law, shall be held,
13 taken and deemed common and public nuisances. Boats, cars
14 (including railroad and traction passenger cars operating in this
15 state), automobiles, wagons, aircrafts, beasts of burden, or
16 vehicles of any kind, shall be held, taken and deemed as places
17 within the meaning of this act, and may be proceeded against
18 by suit in equity under the provisions of section seventeen.
19 And any person who shall maintain, or shall aid or abet, or
20 knowingly be associated with others in maintaining such com-
21 mon and public nuisance, shall be guilty of a misdemeanor, and
22 upon conviction thereof, shall be punished by a fine of not less
23 than one hundred nor more than five hundred dollars, and by

24 imprisonment in the county jail not less than sixty days nor
25 more than six months for each offense, and judgment shall be
26 given that such house, building, or any room therein, or other
27 place, be abated or closed up as a place for the sale or keeping
28 for sale of such liquors contrary to law, as the court may de-
29 termine.

30 All automobiles, cars, boats (other than railway cars, street
31 cars and steamboats), wagons, aircraft, beasts of burden, or
32 vehicles of any kind, that are used to bring or carry excessive
33 quantities of intoxicating liquors into the state, or from one
34 place to another within the state, or that are known or found
35 to contain excessive quantities of intoxicating liquors while in,
36 on, or operating upon any street, alley, road, highway, or water
37 course, or stored in any garage or other storage place, or in any
38 other place, whether such liquors are in the possession of pas-
39 sengers or occupants of any such vehicle or otherwise, shall be
40 subject to seizure, forfeiture, and confiscation by the state. Any
41 state, county, district, or municipal officer whose duty it is to en-
42 force the provisions of chapter thirty-two-a of Barnes' code of
43 West Virginia, shall seize and take into his custody any automo-
44 bile, car, boat (other than railway cars, street cars and steam-
45 boats), wagon, aircraft, beast of burden, or other vehicle, that is
46 being used as a container or conveyance of excessive quantities of
47-48 liquor, whether said liquors are upon the persons and in the
49 actual custody of the passengers or occupants of any such
50 vehicle of conveyance, or otherwise. Upon the seizure of any
51 property under the provisions of this section by any officer, the
51-a owner or other person entitled to the possession of such property
51-b so seized, may give bond with good security before the clerk
51-c of the circuit court, in a sum equal to double the value of
51-d said property, with condition that said property will be forth-
51-e coming to answer any judgment or order of the court relating
51-f to the same, and to cover any damages to said property while
51-g the same is in his possession pending an investigation or pro-
51-h ceeding in equity hereinafter provided for. And that upon the
51-i execution of such bond, the possession of such property shall
51-j be delivered to the said owner or claimant. Upon failure to
51-k give such bond, the said officer shall preserve the same
52 and keep it safely in custody, and shall immediately re-
53 port the seizure to the prosecuting attorney of the county,
54 and to the state tax commissioner, whereupon the state

55 tax commissioner and the prosecuting attorney, or either
56 of them, may institute a suit in equity in the cir-
57 cuit court in the manner provided by section seventeen
58 of chapter thirty-two-a of the code, making all proper per-
59 sons parties thereto. If the circuit court upon the hearing, shall
60 find that any vehicle of conveyance mentioned in this section
61 (other than railway cars, street cars and steamboats), is being
62 used, or has been used as a container or storage place for ex-
63 cessive quantities of intoxicating liquors, or is or has been used
64 to bring or carry excessive quantities of intoxicating liquors into
65 the state, or from one place to another within the state, in vio-
66 lation of the provisions hereof, said court shall adjudge such
67 property to be a common and public nuisance, and shall enter
68 an order directing that the same be sold by the sheriff of the
69 county, at public auction, to the highest bidder, for cash;
69-a *provided, however,* that if the court shall find that the *bona*
69-b *fide* owner of any vehicle of conveyance or other property seized
69-c and proceeded against under the provisions of this section did
69-d not know of, consent to or acquiesce in such unlawful use of
69-e said property, and that said owner had no cause to believe that
69-f said property was being, or intended to be, so unlawfully used,
69-g as aforesaid, then said court shall enter an order releasing said
69-h property to the true owner thereof; *provided,* that any persons
69-i sustaining the relationship of husband or wife to an offender
69-j hereunder, shall not be deemed *bona fide* owners within the
69-k meaning of this act; and *provided, further,* that any *bona fide*
70 lienor of any such property shall be entitled to file his petition
70-a and become a party to any proceeding in equity under this
70-b section, and shall be permitted to share in the proceeds of the
70-c sale of any such property, as his interest may appear. The
71 proceeds arising from the sale of any such property, after de-
71-a ducting any proper costs, allowances or commissions, and
71-b after satisfying all liens thereon, shall be paid over
72 to the auditor of the state by the sheriff for the use
73 and benefit of the general school fund. When the value of the
74 property confiscated hereunder is one hundred dollars or more,
75 either the state or the defendant shall have the right of appeal
76 from the judgment of the circuit court.

77 Notice of any such sale shall be published in some newspaper
78 published in said county for four weeks and posted at the front

79 door of the court house of the county in which such property
80 was seized.

81-83 If any person shall hire, or secure the use of, or obtain
84 passage upon any automobile, car, boat (other than rail-
85 way cars, street cars and steamboats), wagons, aircraft, beast of
86 burden, or other vehicles of any kind, from any *bona fide* owner
87 thereof, or the agent of any such owner, for the purpose of bring-
88 ing or carrying into the state, or from one place to another within
89 the state, excessive quantities of intoxicating liquors, whether car-
90 ried upon his person or otherwise while in any vehicle of convey-
91 ance mentioned in this section, without first informing any such
92 owner or his agent, of his intention and purpose to carry excessive
93 quantities of intoxicating liquors, and the owner of any such
94 vehicle of conveyance as is mentioned herein, suffers or sustains
95 any loss or damage by reason of his property being seized, de-
95-a tained and proceeded against by the state under the pro-
96 visions hereof, such person so securing the use of any vehicle of
97 conveyance mentioned herein, or obtaining passage thereon,
98 shall be guilty of a misdemeanor, and upon conviction shall be
99 fined not less than two hundred dollars nor more than five hun-
100 dred dollars, and confined in the county jail not less than three
101 months nor more than six months; and the owner of any such
102 property may recover all damages sustained by him from any
103 person so hiring or obtaining passage upon any such vehicle of
104 conveyance for use in the unlawful transportation of intoxi-
105 cating liquors, without first informing the owner or his agent of
106 such purpose, in an action at law in any of the civil courts hav-
107 ing jurisdiction thereof; *provided*, that the refusal or neglect
108 of the owner of any such property to sue for damages, or his
109 failure to recover in a civil action hereunder, shall not in any
110 way affect or bar the right if the state to prosecute the offender
111 for a misdemeanor. Justices of the peace shall have concurrent
112 jurisdiction with the circuit, criminal and intermediate courts
113 of criminal offenses arising hereunder.

Sec. 31. It shall be unlawful for any person to bring or
2 carry into the state, during any period of thirty consecutive days,
3 or carry from one place to another within the state, or to have or
4 carry in or on any passenger train or other vehicle of conveyance,
5 within said period, in any manner whatsoever, whether in his
6 personal baggage or otherwise, more than one quart of intoxi-
7 cating liquors, whether such liquors are intended for personal use

8 or for any other purpose, and whether or not any such person
9 shall be an intra-state or interstate passenger. If any person
10 shall bring, or carry into the state, during any period of thirty
11 consecutive days, or from one place to another within the state,
12 or shall have or carry in or on any passenger train or other
13 vehicle of conveyance, within said period, in any manner what-
14 soever, whether in his personal baggage or otherwise, more than
15 one quart of intoxicating liquors, whether the same is intended
16 for personal use or for any other purpose, and whether any such
17 person shall be an intra-state or interstate passenger or not, he
18 shall be deemed guilty of a misdemeanor, and upon conviction
19 thereof, shall be fined not less than one hundred dollars nor more
20 than five hundred dollars, and imprisoned in the county jail not
21 less than two nor more than six months. And upon conviction
22 of the same person for the second offense under this act, he shall
23 be guilty of a felony, and be confined in the penitentiary not less
24 than one nor more than five years; and it shall be the duty of the
25 prosecuting attorney in all cases, to ascertain whether or not the
26 charge made by the grand jury is the first or second offense; and
27 if it be a second offense, it shall be so stated in the indictment
28 returned, and the prosecuting attorney shall introduce the record
29 of the first conviction as evidence before the trial court of said
30 second offense, and shall not be permitted to use his discretion in
31 charging said second offense, or in introducing evidence and
32 proving the same on the trial.

33 It shall be unlawful for any carrier operating in this state
34 knowingly to carry for a passenger, or for any of its employees, or
35 knowingly to permit any person or employee to carry into this
36 state, or from one place to another within the state,
36-a or knowingly to permit any passenger or employee to have
37 or carry in or on any of its trains, more than one quart of in-
38 toxicating liquors as baggage. If any carrier shall knowingly
39 carry for a passenger, or knowingly permit a passenger to carry
40 into the state, or from one place to another within the state, or
41 knowingly to permit any passenger or any person in its employ to
42 have or carry in or on any of its trains, more than one quart of
43 intoxicating liquors as personal baggage, the carrier shall be
44 deemed guilty of a misdemeanor, and upon conviction thereof
45 shall be fined not less than two hundred dollars nor more than
46 one thousand dollars. And a court of equity, upon showing that a

47 carrier has knowingly carried for a passenger or an employee, or
48 knowingly permitted a passenger to carry into the state, or from
49 one place to another within the state, more than one quart of in-
50 toxicating liquors as personal baggage, or through the want of
51 due caution and care, has carried for a passenger or employee,
52 or permitted a passenger or employee to carry into the state, or
53 from one place to another within the state, more than one quart
54 of intoxicating liquors as personal baggage, shall have jurisdic-
55 tion to entertain such suit and to enter such decree and take such
56 proceedings as are provided for in section seventeen.

Sec. 31-a. It shall be unlawful for any person to order, pur-
2 chase, sell, or cause intoxicating liquors, except as provided in
3 section thirty-one, to be transported into the state, or from one
4 place to another within the state, in any manner, except pure
5 grain alcohol for medicinal, pharmaceutical, scientific and
6 mechanical purposes, and wine for sacramental purposes to be
7 used by religious bodies, as now provided by law. If any such
8 person shall order, purchase, sell or cause intoxicating liquors, in
9 any quantity, except as provided in section thirty-one, to be trans-
10 ported into the state, or from one place to another within the
11 state, in any manner, except for the purposes herein specified, he
12 shall be deemed guilty of a misdemeanor for the first offense; and
13 upon conviction of the same person for the second offense here-
14 under, he shall be guilty of a felony, and the punishment of each
15 offense hereunder shall be the same as that prescribed for offenses
16 arising under section thirty-one of this act.

Sec. 31-b. It shall be unlawful for any non-resident vendor,
2 dealer, or other person, to sell or furnish intoxicating liquors,
3 with the exception of persons coming within the purview of sec-
4 tion thirty-one, to any person who intends to, and does, transport
5 or carry such liquors into this state contrary to the laws thereof,
6 when such non-resident vendor, dealer or other person knows, or
7 has cause to believe, that such liquors are intended to be so un-
8 lawfully transported and carried into this state. Any non-resi-
9 dent vendor, dealer or other person, so offending, shall be deemed
10 an aider and abettor to any person so purchasing or receiving and
11 unlawfully carrying or transporting such liquors into this state,
12 and such non-resident vendor, dealer or other person, shall be
13 held equally guilty with the person carrying such liquors, who
14 shall be deemed the principal in the offense, and the principal and
15 abettor may be charged in the complaint or indictment, either

16 jointly or separately. The first offense hereunder shall be a mis-
17 demeanor, and the second offense shall be a felony, and each of-
18 fense shall be punished as provided in section thirty-one of this
19 act.

Sec. 37. It shall be unlawful for any person to own, operate,
2 maintain or have in his possession, or any interest in, any
3 apparatus for the manufacture of intoxicating liquors, commonly
4 known as a "moonshine still," or any device of like kind or char-
5 acter. For the purposes of this act, any mechanism, apparatus
6 or device that is kept or maintained in any desert, secluded, hid-
7 den, secret or solitary place, away from the observation of the
8 general public, for the purpose of distilling, making or manu-
9 facturing intoxicating liquors, or which by any process of evapora-
10 tion, separates alcoholic liquor from grain molasses, fruit or any
11 other fermented substance, or that is capable of any such use,
12 shall be taken and deemed to be a "moonshine still;" and the owner
13 or operator of any such "moonshine still" shall be deemed a
14 "moonshiner." Any person owning, operating, or having any
15 interest in any moonshine still, shall be guilty of a felony, and
16 upon conviction thereof shall be fined not less than three hundred
17 dollars nor more than one thousand dollars, and be confined in
18 the penitentiary not less than two nor more than five years. Any
19 person who aids or abets in the operation or maintenance of any
20 moonshine still shall be guilty of a felony, and upon conviction
21 thereof shall be fined not less than two hundred dollars nor more
22 than five hundred dollars, and confined in the penitentiary not less
23 than one nor more than three years.

24 Any person who has in his possession any quantity of moon-
25 shine liquor shall be guilty of a misdemeanor, and upon convic-
26 tion thereof shall be fined not less than one hundred dollars nor
27 more than three hundred dollars, and confined in the county jail
28 not less than thirty nor more than ninety days; *provided*, that if
29 any such person shall fully and freely disclose the name or names
30 of any person or persons from whom he received said moonshine
31 liquor, and give any other information that he may have relative
32 to the manufacture and distribution of the same, and shall truth-
33 fully testify as to any such matters of information, he shall be
34 immune from further prosecution or punishment. Sections nine,
35 ten, eleven, twelve and thirteen of chapter thirty-two-a of Barnes'
36 code, one thousand nine hundred and sixteen, relating to searches
37 and seizures and procedure, shall apply to and govern the offenses

38 arising under this section, so far as they are applicable; *provided*,
39 that any person held by a justice under this section to answer for
40 a felony, shall give a bond in the penalty of not less than one
41 thousand dollars to appear at the next term of the circuit, crim-
42 inal or intermediate court of the county having jurisdiction, to
43 answer an indictment if one be preferred against him; and *pro*-
44 *vided*, *further*, that it shall be the duty of the officers to seize and
45 forthwith destroy all moonshine stills, and liquors and parapher-
46 nalia found in connection therewith.

Thereupon,

On the further motion of Mr. John, the bill (H. B. No. 138), as amended, was laid over until tomorrow (Friday, February 14th), retaining its place on the calendar.

Mr. Blizzard asked unanimous consent to take up

Senate Bill No. 9—"A Bill to amend and re-enact section twenty-five of chapter one hundred and thirty-one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence."

On second reading, out of its regular order, for immediate consideration,

Which was not given, Mr. Bray objecting.

Mr. Blizzard then moved to take up Senate Bill No. 9 out of its regular order for immediate consideration,

Which motion did not prevail.

House Bill No. 127—"A Bill to levy a privilege tax on the transportation of natural gas by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax and defining the duties of said tax commissioner hereunder."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Fortney (of Preston), laid over, retaining its place on the calendar.

House Bill No. 174—"A Bill to amend and re-enact sections one, two-a, two-b, six, nine and sixteen, of chapter thirty-three of the code of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Moore, laid over, retaining its place on the calendar.

House Bill No. 22—"A Bill to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the commissioner of labor or his deputies; by providing for a woman inspector to assist with its enforcement; by prescribing penalties for violations thereof; by defining the procedure in prosecutions".

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Godfrey, severally made, the bill was amended as follows:

In section three, at the end of line four, by adding: "Unless such female elects to work more than forty-eight hours in any one week, or more than nine hours in any one day", and

In section four, page four, at the end of line five, by adding: "stenographers, bookkeepers, office clerks, store clerks and trained nurses".

On motion of Mr. Williams (of Pleasants), the bill was amended on page five, section five, line one, by striking out the words "forty-five" and inserting in lieu thereof the word "sixty".

On motion of Mr. John, the bill was amended on page seven, section ten, line fourteen, by inserting after the word "name" the words "or designation of the groups or classes".

On motion of Mr. Kern, the bill was amended on page five, line nine, after the end of the sentence, by adding: "*Provided*, further, that nothing in this section shall apply to females employed as telephone or telegraph night operators".

On motion of Mr. Brand, the bill was amended by striking out all of section fourteen, on page nine.

Thereupon,

Mr. Twyman moved to amend the bill by striking out the enacting clause, and

On that question,

Mr. Swisher demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bland, Blizzard, Brand, Brammer, Bray, Brynes, Calhoun, Capehart, Cunningham, Ferguson, Godfrey, Hale, Hays, Hersman, Hickman, Houvouras, Howard, John, Jones, Kuykendall, Lester, Mollohan, Moran, Morris, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Swisher, Thurmond, Twyman and Williams (of Pleasants)—43.

The noes were:

Messrs. Blackhurst, Bannister, Clements, Coleman, Fitch, Fortney (of Preston), Hackney, Hall, Hendricks, Hobbs, Kern, Lantz, Mahan, Miller, Moore, Moulds, O'Connor, Otto, Peck, Rankin, Richards, Shaw, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—31.

Absent and not voting:

Messrs. Coberly, Coon, Cosner, Cox, Cuppett, Fortney (of Harrison), Grove, Hamilton, Harvey, Hilleary, Musser, McPherson, Neale (of Cabell), Nutter, Shomo, Sturm, Summers, Thomas and Vanmeter—19.

So, a majority of the members present having voted in the affirmative the amendment (striking out the enacting clause) prevailed.

On motion of Mr. Pettigrew, the House recessed until 2.30 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Pursuant to the resolution adopted on January 13th, the Speaker announced the appointment of J. E. Brammer as a committee clerk.

Unanimous consent being given,

On motion of Mr. Hobbs

Senate Bill No. 192—"A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton,

in the county of Summers, and submitting the question to a vote of the people."

On first reading, was taken up out of its regular order for immediate consideration, and read a first time.

Referred to the Committee on Counties, Districts and Municipal Corporations.

Unanimous consent being given, the following bills were introduced:

By Mr. Ferguson:

House Bill No. 295—"A Bill to amend and re-enact section twenty-five-b of chapter sixty-two of Barnes' code of the state of West Virginia so as to penalize and provide for the punishment of those having in their possession and using a ferret for the purpose of catching rabbits or driving them from their burrows."

On motion of Mr. Ferguson reference to a Committee was dispensed with and the bill ordered to its first reading.

By Mr. Nutter:

House Bill No. 296—"A Bill fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia."

On motion of Mr. Nutter reference to a Committee was dispensed with and the bill ordered to its first reading on Special Calendar.

By Mr. Spangler:

House Bill No. 297—"A Bill to amend and re-enact chapter seventeen of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter eleven of the acts of one thousand nine hundred and thirteen, concerning hydro-electric or other companies producing or selling hydraulic or other power; authorizing such companies to exercise the right of eminent domain, defining and regulating the powers, rights, duties and obligations of such companies, regulating the building, operation and maintenance of dams across water streams, and all structures, works and property connected or used in connection therewith; providing for the utilization of wasted electrical energy, the conservation of resources and the use of the same for the development of the industries of the state for the national defense."

Referred to the Committee on the Judiciary.

By Mr. Mahan (by request):

House Bill No. 298—"A Bill to amend and re-enact section nine of chapter one hundred and fifty-five of the code of West Virginia."

Referred to the Committee on the Judiciary.

By Mr. Kern (by request):

House Bill No. 299—"A Bill to authorize and empower the public health council of the state of West Virginia to issue certificates of license for the practice of medicine and surgery without requiring an examination to be passed therefor, in the case of persons who served in the world war and who are otherwise qualified, under the laws of this state, for the practice of medicine and surgery."

Referred to the Committee on Medicine and Sanitation.

A message from the Senate by Mr. Dodson, announced the passage by that body of

House Bill No. 10—"A Bill relating to pure drinking water for live stock in transit."

As amended by the Senate, and asked the concurrence of the House therein.

Unanimous consent being given, Mr. Moore offered the following resolution:

HOUSE JOINT RESOLUTION No. 13.

WHEREAS, Many public improvements for which there is imperative need have been postponed on account of the existence of a state of war between the United States of America and the imperial German government, and in order that the energies of the people might be directed unreservedly towards the winning of the war, and

WHEREAS, One of the greatest problems confronting the state and nation at the present time is the furnishing of immediate employment to a large amount of idle labor released from other activities by the victorious termination of the war, and

WHEREAS, The national administration has urgently requested the resumption of the construction of public works on a large scale, the congress of the United States is proposing to appropriate large sums of money for such purpose, the governors of many states have recommended, and are engaged in procuring other large appropriations for the same purpose, and minor political subdivisions are preparing literally to finance public improvements of great magnitude, and

WHEREAS, In the judgment of the legislature of the state of West Virginia, the problem of furnishing immediate and profitable employment to idle labor can be best solved by immediately embarking upon the construction of the many much needed public improvements, which have been delayed by war conditions, and

WHEREAS, In the judgment of the legislature of the state of West Virginia, freight rates on materials designed for the use in constructing public works should be immediately reduced and any increase in the same will defeat its own purposes by enforcing a curtailment of shipments and at the same time by discouraging the movement for a program of public improvements render futile all efforts to give employment to idle labor, and

WHEREAS, One of the greatest and most serious obstacles to the immediate resumption of activity in the construction of public works is the present high freight restrictions and readjustments of such freight rates, which proposed revisions and readjustments create a situation of uncertainty, making it impossible for engineers to intelligently estimate the cost of public works and making it impossible for contractors to bid thereon; now, therefore, be it

Resolved, By the legislature of the state of West Virginia, that the President of the United States, the congress of the United States, and the United States railroad administration be, and they are hereby memorialized and respectfully, but most urgently, requested to take such action as will immediately and effectively prevent any upward revision in the freight rates upon materials entering into the construction of public works, and that, if in the judgment of the proper authorities of the national government, charged with the administration of such matters, the employment of idle labor in the construction of public improvements is a matter of importance and, if, in the judgment of such officials, it be not incompatible with the general welfare, there be, forthwith made a reduction in the freight rates upon all materials transported over the railroads of the United States for use in connection with the construction of any public improvement carried forward by the federal government or any department thereof, or any state, county, township, city, village, school district, or other political subdivision, and, that, upon the passage of this resolution, certified copies thereof be forthwith forwarded by the secretary of state of West Virginia to the President of the United States, the presiding officers and members from West Virginia of both branches of the congress of the United States, and the director general of railroads.

Which, under the rules, lies over one day.

Unanimous consent being given,

On motion of Mr. McClintic,

SENATE JOINT RESOLUTION NO. 15.

"Proposing an amendment to the Constitution of this State."

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the following amendment to the Constitution of this State be, and the same is hereby agreed to, to-wit:

The legislature shall make provisions by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing or maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time shall not exceed fifty million dollars.

When a bond issue as aforesaid is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

On first reading, was taken up for immediate consideration, read a first time and ordered to its second reading.

House Bill No. 146—"A Bill to amend and re-enact section six, serial section number four thousand four hundred and ten of chapter one hundred and three of Hogg's West Virginia code of one thousand nine hundred and thirteen, relating to the maximum amount that may be recovered in an action for wrongful death."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. John moved that the bill be recommitted to the Committee on the Judiciary.

Which motion did not prevail.

Mr. John moved to amend the bill on page four, line seven, by striking out the words "not exceeding \$25,000."

Which motion did not prevail.

Mr. Perin moved to amend the bill by striking out the enacting clause.

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

Unanimous consent being given,

On motion of Mr. McClintic

HOUSE CONCURRENT RESOLUTION NO. 9.

"Relating to the judgment of Virginia vs. West Virginia."

Resolved, by the House of Delegates, the Senate concurring, That the offer of settlement of the judgment of Virginia vs. West Virginia made by the Virginia Debt Commission be, and the same is hereby, accepted, and the Committees on the subject of the Virginia debt of the respective Houses are hereby directed to prepare and submit to the House and Senate suitable bill or bills for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, necessary to carry out the terms of such offer.

Was made a special order for Friday, February 14th, at 3 o'clock, P. M.

House Bill No. 13—"A Bill providing for the unauthorized use of vehicles".

On second reading, coming up in regular order for consideration,
On motion of Mr. Pettigrew

Senate Bill No. 59—"A Bill providing for the unauthorized use of vehicles."

On second reading was substituted for and in lieu of House Bill No. 13, and Senate Bill No. 59 was read a second time and ordered to its third reading.

Whereupon,

On motion of Mr. McClintic

House Bill No. 13—"A Bill providing for the unauthorized use of vehicles."

Was laid on the table.

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties; section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employees by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road

schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 178—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Hersman moved to amend the bill by striking out the enacting clause.

And on that question,

Mr. Hays demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Byrnes, Coon, Fortney (of Harrison), Hall, Hamilton, Hendricks, Hersman, Hilleary, Morris, Musser, Rankin, Richards, Sarver, Shaw, Thurmond and Wolfe (Speaker)—20.

The noes were:

Messrs. Bland, Blizzard, Brammer, Bray, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Hays, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pride-more, Rouss, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, and Twyman—57.

Absent and not voting:

Messrs. Cosner, Cox, Cuppett, Ferguson, Grove, Harvey, John, Neale (of Cabell), Nutter, Scott, Sturm, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

So, a majority of those present and voting not having voted in the affirmative, the motion did not prevail.

Mr. Brand moved to amend the bill by striking out all of section

four, on pages eight and nine, down to and including the word "meetings" at the end of line twenty-eight.

And on that question,

Mr. Moore demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Brand, Byrnes, Clements, Hall, Hendricks, Hersman, Hilleary, Musser, Rankin, Richards, Sarver, Shaw and Thurmond—14.

The noes were:

Messrs. Bannister, Bland, Blizzard, Brammer, Bray, Calhoun, Capehart, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hays, Hickman, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rouss, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Twyman, Weiss, Wysong and Wolfe (Speaker)—60.

Absent and not voting:

Messrs. Anderson, Cosner, Cox, Cuppett, Grove, Harvey, John, Kern, Morris, McCauley, Neale (of Cabell), Scott, Sturm, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—19.

So, a majority of those present and voting not having voted in the affirmative, the motion did not prevail.

The bill (S. B. No. 178) was then ordered to its third reading.

Unanimous consent being given, on motion of Mr. Kuykendall

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On first reading, was taken up out of its regular order, read a first time and ordered to its second reading.

On motion of Mr. Twyman

House Bill No. 199—"A Bill to amend and re-enact sub-section twenty-nine-*b* of section twenty-nine, chapter one hundred and fifty of the code of West, Virginia, one thousand nine hundred and thirteen, relating to the sale of drugs and medicines."

Was laid on the table.

Unanimous consent being given,

On motion of Mr. Moore, the rules were suspended and Senate Bill No. 166—"A Bill to amend and re-enact sections three, seventeen and eighteen of the live stock sanitation law, chapter thirteen of the acts of one thousand nine hundred and fifteen."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Ferguson, Fitch, Godfrey, Hackney, Hays, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Twyman, Weiss, Wysong and Wolfe (Speaker)—64.

The noes were:

Messrs. Hall, Lantz and Thurmond—3.

Absent and not voting:

Messrs. Anderson, Clements, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Grove, Hale, Hamilton, Harvey, Hilleary, McCauley, McClaren, McPherson, Neale (of Cabell), Pedigo, Summers, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—26.

On the further motion of the same gentleman, the bill was then read a first time by its title and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lester, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pride-more, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Twyman, Weiss, Wysong and Wolfe (Speaker)—67.

The noes were:

Mr. Hall—1.

Absent and not voting:

Messrs. Anderson, Capehart, Coberly, Cosner, Cox, Cuppett, Grove, Hale, Harvey, Kern, Lantz, Mahan, Moran, McCauley, McVey, Neale (of Cabell), Pedigo, Sturm, Taylor, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—25.

Ordered, That Mr. Fortney (of Preston), communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 166).

On motion of Mr. Moore,

House Bill No. 184—"A Bill to amend and re-enact sections three and seventeen and eighteen of the live stock sanitation law, chapter thirteen, acts of one thousand nine hundred and fifteen."

Was laid on the table.

House Bill No. 202—"A Bill to amend and re-enact all of chapter sixty-two-*b* of Barnes' code of one thousand nine hundred and sixteen, and also as amended and re-enacted by chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of com-

mercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Howard laid over retaining its place on the calendar.

On motion of Mr. Hersman,

House Bill No. 10—"A Bill relating to pure drinking water for live stock in transit".

With Senate amendments, was taken up for immediate consideration.

The amendments proposed by the Senate were reported by the Clerk, and

Whereupon,

On motion of Mr. Hersman, the House agreed to the amendments proposed by the Senate.

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Bannister, Blizzard, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hamilton, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Coberly, Cosner, Cox, Cuppett, Fortney (of Preston), Grove, Hall, Harvey, Hays, John, Kern, McCauley, McClintic, McVey, Neale (of Cabell), Parsons, Pedigo, Scott, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—29.

Ordered, That Mr. Hersman communicate to the Senate the concurrence of the House of Delegates the passage of the bill (H. B. No. 10) as amended.

House Bill No. 188—"A Bill concerning notaries public who are stockholders, directors, officers, or employees of banks or other corporations."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 167—"A Bill prohibiting the wearing by any person not entitled thereto of an emblem of any secret order or organization and prescribing the penalties of such violations."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 214—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relating to deadly weapons and state license to carry weapons."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. McClintic, severally made, the bill was amended as follows:

On page ten, line one hundred forty-nine, after the word "bond" by inserting the words "in the penalty of \$3,500."

On page ten, after the word "not" in line one hundred and fifty-seven, by inserting the words:

Provided, further, any non-resident conductor, railroad special officer, baggageman, express messenger and brakeman working for a railroad company, and running upon trains which run upon railroad lines in this state, may obtain a license to carry a revolver, pistol or mace, by giving the notice herein required and filing the bond of \$3,500.00 before the circuit court in one of the counties in which such person runs upon such railroad train.

The bill was then ordered to its engrossment and third reading.

Unanimous consent being given,

Mr. Stover, from the Committee on Labor, submitted the following report, which was received:

Your Committee on Labor has had under consideration,

House Bill No. 282—"A Bill to authorize the creation of a special or emergency fund for the aid of injured laborers in West Virginia."

And report the same back without recommendation.

Respectfully submitted,

K. H. STOVER, *Chairman.*

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 8)—An Act to require judgments and decrees of the circuit and district courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia.

Also,

(S. B. No. 16)—An Act to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, of one thousand nine hundred and thirteen.

Also,

(H. B. No. 59)—An Act in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto.

Also,

(H. B. No. 61)—An Act to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six) in reference to the office of state librarian.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the thirteenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 8)—An Act to require judgments and decrees of the circuit and district courts of the United States to be docketed in the offices of the clerks of the courts of West Virginia.

Also,

(S. B. No. 16)—An Act to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, of one thousand nine hundred and thirteen.

Also,

(H. B. No. 59)—An Act in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, to provide remedies for the enforcement of this act and penalties and punishment for violations thereof, and to extend the jurisdiction of the public service commission and of the courts of this state with respect thereto.

Also,

(H. B. No. 61)—An Act to amend and re-enact section one of chapter seventy of the acts of the legislature of one thousand eight hundred and ninety-one (now serial section three hundred and thirty-five and also section one of chapter fifteen-a of the code of one thousand nine hundred and six), in reference to the office of state librarian.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(Senate Sub. for H. B. No. 96)—An Act authorizing the board of education of Town district, Raleigh county, West Virginia to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a public school building in the city of Beckley, in said Town district.

Also,

(S. B. No. 208)—An Act to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia.

And,

(S. B. No. 196)—An Act providing for the prompt furnishing to the judiciary of the state of copies of laws taking effect from their passage.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the thirteenth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(Senate Sub. for H. B. No. 96)—An Act authorizing the board of education of Town district, Raleigh county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a public school building in the city of Beckley, in said Town district.

Also,

(S. B. No. 208)—An Act to amend and re-enact section eleven of chapter one hundred and fourteen of the code of West Virginia.

And,

(S. B. No. 196)—An Act providing for the prompt furnishing to the judiciary of the state of copies of laws taking effect from their passage.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 69)—An Act to amend and re-enact section three of chapter one hundred and twenty-nine of the code of West Virginia of one thousand nine hundred and thirteen, concerning commissioners in chancery.

Also,

(H. B. No. 78)—An Act to prohibit and regulate the employment of minors.

(H. B. No. 100)—An Act to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen, (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code) and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit.

Also,

(H. B. No. 151)—An Act to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit.

And,

(S. B. No. 35)—An Act to amend and re-enact section twenty-eight of chapter one hundred and thirty-three, of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the thirteenth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval the following bills, signed by the President of the Senate and Speaker of the House of Delegates, entitled:

(S. B. No. 69)—An Act to amend and re-enact section three of chapter one hundred and twenty-nine of the code of West Virginia

of one thousand nine hundred and thirteen, concerning commissioners in chancery.

Also,

(H. B. No. 78)—An Act to prohibit and regulate the employment of minors.

Also,

(H. B. No. 100)—An Act to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and thirteen, (being serial sections four thousand five hundred and eighty-four and four thousand five hundred and eighty-five of said code) and chapter ninety-seven of the acts of one thousand nine hundred and seventeen, fixing the time of holding the regular terms of the circuit court in the twentieth judicial circuit.

Also,

(H. B. No. 151)—An Act to establish, equip and maintain a demonstration community packing house for the purpose of illustrating and teaching the approved methods of packing apples, peaches and other similar fruit.

And,

(S. B. No. 35)—An Act to amend and re-enact section twenty-eight of chapter one hundred and thirty-three of the one thousand nine hundred and thirteen code of West Virginia, concerning the appointment and bond of special receivers.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

A message from the Senate by Mr. Frazier, announced the concurrence by that body in the passage of

House Bill No. 57—"A Bill to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same."

A message from the Senate by Mr. Cobun, announced the amendment of and passage by that body of

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen."

A message from the Senate by Mr. Harmer, announced the passage by that body of

Senate Bill No. 129—"A Bill to amend and re-enact sections three and four of chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one, as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors; and to further amend said chapter thirty-two-*a* of Barnes' code of West Virginia one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-*a*, thirty-one-*b*, thirty-seven and thirty-eight, inclusive, as parts of said chapter thirty-two-*a*, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

And asked the concurrence of the House therein.

A message from the Senate by Mr. Harman announced the amendment of and passage by that body of

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-*h*, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto sections sixty-seven-*a*, sixty-seven-*b*, sixty-seven-*c*, sixty-seven-*d* and sixty-seven-*e*, relating to inspection of factories, mercantile establishments, mills or workshops."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Gribble, announced the concurrence of that body in the passage of

House Bill No. 110—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

A message from the Senate by Mr. Sanders, announced the passage by that body of

Senate Bill No. 223—"A Bill fixing an annual allowance to the clerk of the circuit court of Mercer county."

And,

Senate Bill No. 187—"A Bill to provide for the formation of co-operative agricultural or horticultural associations, instituted for

the purposes of mutual help, and not having capital stock or conducted for profit, and for other purposes."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Burgess, announced the passage by that body of

Senate Bill No. 198—"A Bill to create the independent school district of Church, in the county of Wetzel."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Stewart, announced the passage by that body of

Senate Bill No. 222—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve-a, one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen, entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and

one hundred and fifty-nine-*b*, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Poling, announced the passage by that body of

Senate Bill No. 30—"A Bill relating to the salaries of county officers."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Stewart, announced the passage by that body of

Senate Bill No. 237—"A Bill to authorize the county court of Taylor county to appropriate and expend annually, public monies in connection with the observance of public memorial services on the thirtieth day of May, each year, at the United States national cemetery at the city of Grafton."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Coalter, announced the passage by that body of

Senate Bill No. 21—"A Bill to provide a pension for partial or full support of aged or infirm women, who have no children or others legally bound to support them, and who are unable financially and physically to support themselves, and who at the time of the application for pension are bona fide residents of the county and have been for two years."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Chapman, announced the passage by that body of

Senate Bill No. 100—"A Bill to amend and re-enact sections one, two-*a*, two-*b*, six, nine and sixteen, of chapter thirty-three of the code

of West Virginia, relating to taxes on inheritances, devises, distributive shares and legacies."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Scherr, announced the concurrence by that body in the House amendments to

Senate Bill No. 61—"A Bill to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen."

A message from the Senate by Mr. Kump, announced the concurrence by that body in the passage of

House Bill No. 198—"A Bill fixing the annual allowance to the clerks of the circuit and county courts of Morgan county."

A message from the Senate by Mr. Lewis, announced the passage by that body of

Senate Bill No. 213—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county."

And asked the concurrence of the House therein.

On motion of Mr. Blizzard,

Senate Bill No. 9—"A Bill to amend and re-enact section twenty-five of chapter one hundred and thirty-one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence."

On second reading, was taken up out of its regular order for immediate consideration, read a second time with the amendments proposed by the Judiciary Committee of the House, as follows:

Section twenty-five, line seven, page two, by inserting the word "civil" after the word "no" before the word "case."

Also, in line ten, same section, same page, after the word "every" insert the word "civil."

Also, in line thirteen, same section, same page, after the word "any" insert the word "such."

Also, in line fifteen, same section, same page, after the word "demurrer" strike out the words "to the evidence."

And, in line seventeen, same section, same page, strike out the word "the" and insert the letter "a."

The bill (S. B. No. 9) was then ordered to its third reading.

Unanimous consent being given,

On motion of Mr. Pettigrew,

House Bill No. 171—"A Bill to amend and re-enact sections seventy-eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine), seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."

On second reading, was taken up out of its regular order for immediate consideration and read a second time.

On motions of Mr. Hackney, severally made, the bill was amended as follows:

On page four, section seventy-seven, in line two, by adding after the word "than" (the last word in line two, the words "twenty-five thousand dollars" followed by the insertion of a period, and then striking out lines three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of said section seventy-seven.

On page eleven, section seventy-nine-a (eight), in line two after the word "any" and before the word "statement" insert the word "false".

On page nine, section seventy-nine-a (one), in line twenty-nine after the word "directors" and before the word "thd of" insert the words "or discount committtee".

On page twelve, section seventy-nine-a (none), by striking out the lines eighteen to line thirty, inclusive.

Mr. John moved to amend the bill on page ten, by striking out after the word "made" in line nine all that follows down to and including the word "thereof" in line twenty-three, page eleven.

Which motion did not prevail.

Mr. Bray, moved to amend the bill by striking out all of sections eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve).

And on that question,

Mr. Bray demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

Pending the announcement of the vote,

On motion of Mr. McCauley, the announcement was postponed until Friday, February 14, at 10 o'clock, A. M.

On motion of Mr. Cunningham, the Houses recessed until 7:30 o'clock, P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

House Bill No. 266—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve-a, one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one and one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen, entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred

and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, for y-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen.' "

On second reading, coming up in regular order for consideration, was

On motion of Mr. Kern, laid on the table.

House Bill No. 276—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blizzard, Brammer, Bray, Byrnes, Calhoun, Fitch, Fortney (of Harrison), Godfrey, Hale, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Perin, Rankin, Richards, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Weiss and Wolfe (Speaker)—54.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fortney (of Preston) Grove, Hackney, Hamilton, Harvey, Hobbs, Houvouras, Kuykendall, Moran, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Pedigo, Pettigrew, Pridemore, Scott, Summers, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants and Wysong)—39.

Ordered, That Mr. Bray communicate to the Senate the passage of the bill (H. B. No. 276) and ask concurrence therein.

House Bill No. 280—"A Bill to amend and re-enact section three of chapter nineteen on municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blizzard, Brammer, Bray, Calhoun, Coleman, Fitch, Fortney (of Harrison), Godfrey, Hale, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Lester, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Swisher, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—54.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Byrnes, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cunningham, Cuppett, Ferguson, Fortney (of Preston), Grove, Hackney, Hall, Hamilton, Harvey, Hobbs, Kuykendall, Lantz, Mahan, Moore, Moran, McCauley, Neale (of Cabell), Neal (of Webster), Pedigo, Scott, Sturm, Summers, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants)—39.

Mr. Parsons moved that the bill (H. B. No. 280) take effect from its passage.

On that question: "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:30 o'clock, A. M., tomorrow.

House Bill No. 283—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

On third reading, coming up in regular order for consideration, was

On motion of Mr. John (on behalf of Mr. McClintic), laid over, retaining its place on the calendar.

House Bill No. 263—"A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings, situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividend and income from cash stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations, and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bannister, Blizzard, Brammer, Bray, Byrnes, Calhoun, Coleman, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Lantz, Lester, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Perin, Pride-more, Rankin, Richards, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman,

Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—60.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bland, Brand, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cuppett, Ferguson, Fortney (of Preston), Grove, Hackney, Hale, Harvey, Hobbs, Kuykendall, Mahan, Moore, Moran, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Pedigo, Pettigrew, Scott, Taylor, Thomas, Vaughn and Vanmeter—33.

Mr. Kern moved that the bill (H. B. No. 263) take effect from its passage.

On that question: "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

Mr. Starcher moved that the announcement of the vote be postponed until 10:20 o'clock, A. M., tomorrow.

Senate Bill No. 177—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Upshur county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 274—"A Bill fixing the annual allowance to the clerk of the circuit court of Mercer county."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Wysong, laid on the table.

Senate Bill No. 180—"A Bill to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 172—"A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Anderson, the bill was amended as follows:

On page nine, line ten, after the word "councilman," to insert the words "the mayor and the recorder."

On page nine, beginning in line fifteen, by striking out the words "the mayor or recorder shall also be eligible to hold any such appointive office to which the council may deem it advisable to appoint them."

On page twenty-two, line twelve, after the word "duties," to strike out the word "such."

On page thirty-one, line one hundred and twenty-nine, after the word "maintain," to insert the word "paid."

On page thirty-two, line one hundred and sixty-two, after the word "drugs," to insert the following: "to prohibit the carrying of concealed or dangerous weapons within the corporate limits of said city; to punish drunkenness; to prevent gambling; to prohibit anything against good morals and common decency, and to fix punishment therefor; to prevent the desecration of the Sabbath day; to prohibit profane swearing; to prohibit the illegal sale of intoxicating drinks, mixtures or preparations."

On page thirty-three, line one hundred and sixty-five, strike out the words "telephone plants and other public utilities."

On page thirty-six, immediately following line two hundred twenty-five, in a separate paragraph, insert the following:

"The council shall have authority to pass all ordinances not repugnant to the constitution and laws of the United States and of this state, which shall be necessary and proper to carry into full effect the power, authority, capacity and jurisdiction which is or shall be granted to or vested in the said city, or in the council or in any officer or body of officers of said city, and to enforce any and all of the ordinances by reasonable fines and penalties, and upon the failure to pay any fine or penalty imposed, may compel the offender to labor without compensation at and upon any of the public works or improvements undertaken, or to be undertaken, by said city, or to labor at any work which the said council may lawfully employ labor upon, at such reasonable rates per diem as the council may fix, until any fine, or fines and costs upon any offender by said city have been fully paid and discharged after deducting reasonable charges of support while in the custody of the officers of the city; *provided*, that upon the violation of any ordinance providing the same penalties inflicted by the State statutes for similar offenses, then upon conviction and imposition of penalty under such ordin-

ance, no further prosecution shall be had in any of the courts of the state for the same offense. And in all cases where a fine is imposed for an amount exceeding ten dollars and costs, or a person be imprisoned, or be compelled to labor as aforesaid for a greater term than ten days, an appeal may be taken from such decision upon the terms and conditions as appeals are taken from the judgment of a justice of this state. Such fines and penalties shall be imposed and recovered, and such imprisonment inflicted and enforced by and under the judgment of the mayor of said city; or in case of his absence or inability to act, then by any member of the council, to be appointed by the council for that purpose; and for his services in trying cases, whether civil, criminal or infractions against ordinances, the mayor shall be entitled to charge and collect such fees as are paid to justices of the peace for similar services. And in all such cases the chief of police, or other officer performing the service shall be entitled to receive such fees as are paid to constables for similar services; *provided, further*, that the fee for making any arrest shall be one dollar, whether such officer be the chief of police or other officer. In addition to the powers above enumerated, the said city council shall have power to build, construct, maintain and operate a sufficient sewerage system and water works, as may be necessary for the proper supply of water to the inhabitants of the said city, for both public and private use, and said city shall have the power to purchase or condemn any water works now in the said city or hereafter placed therein by any party other than said city, whenever the council of said city shall deem proper, and such order shall have been ratified by a vote of the qualified voters of said city, at an election called for that purpose, with due notice, and at least two-thirds of the votes cast at said election shall vote for the ratification of said council to purchase or condemn said water works; and the said city shall have the power to enlarge the said water works, if so purchased or condemned, by putting additional reservoirs either within or out of said city; and the said city shall have the right, if its council shall deem proper, and the order of said council be ratified by a vote as aforesaid, to build, construct, maintain, and operate such water works in the said city as may be deemed proper without the purchase or acquisition of any water works then in said city and said city shall have the right to lay pipes and mains for the proper distribution of said water, either in or out of said city, as shall be necessary for the proper distribution of same, and for that purpose may acquire by lease, purchase or condemnation all such lands as shall be necessary, either within or without the said city,

or they may contract for such work to be done, in either event to supply an adequate supply of pure, healthful water for said city, and do all things necessary to supply the said city and the inhabitants thereof with water as aforesaid; and the said city may acquire by purchase or condemnation any electric light plant now in said city or hereafter placed therein by any party other than said city, and shall have the right to build, construct, maintain, and operate such plant for furnishing electricity for said city, and for the inhabitants thereof, but no electric light plant shall be purchased, condemned, or built or operated unless voted on by the qualified voters, of said city at an election called and held as aforesaid, and the same be ratified by a two-thirds vote of all votes cast at said election."

On page thirty-three, line one hundred and sixty-nine, after the word "business," to insert the following: "to require any company or person furnishing gas, electricity or water to said city for the use of the inhabitants thereof, to put in standard meters for the measurement thereof, and may appoint an inspector of meters with power to remove the same if not standard and in good working order; to prevent injury to such works or the pollution of any gas or water used or intended to be used by the public or any individual; and to require the extension of gas, electric and water lines by such respective companies to any and all parts of the city when the said council shall deem the same necessary."

On page thirty-five, line two hundred and five, after the word "city," to insert the following: "to grant and regulate all franchises in, upon, over and under the streets, alleys and public ways of said city, under such restrictions as are contained herein or shall be provided by ordinance, but no exclusive franchise shall be granted by said council to any individual or corporation, nor shall any franchise be granted for a longer period than fifty years; to regulate licenses and restrict the use of motor-busses, automobiles, carriages, drays, and wagons, upon the streets, alleys and public grounds of said city when same are being used for hire and reward."

On page thirty-eight, line thirty-nine, after the word "exceed," by striking out the word "ten," and inserting in lieu thereof the word "five."

On page forty-eight, by striking out "Sec. 41" and inserting in lieu thereof "Sec. 42."

On page fifty-three, line ninety-seven, by striking out the word "removed," and inserting in lieu thereof the word "moved."

On page fifty-five, under the heading "Streets and Sidewalks," by striking out "Sec. 42," and inserting in lieu thereof "Sec. 41."

To transpose sections forty-one and forty-two, thus making section forty-two, as amended, part of "Article XXVI—Streets and Sidewalks," and following re-numbered section forty-one.

On page fifty-five, line one, after the word "power," by inserting the words "without petition of the owners of abutting property."

On page fifty-five, line one, after the word "the" at the end of the line, by inserting the word "grading."

On page fifty-five, line seven, after the word "power," by inserting the words "without the petition of the owners of abutting property, to grade."

On page fifty-five, line eight, after the word "expenses of," by inserting the word "grading."

On page fifty-six, section forty-four, line one, after the word "attorney," by striking out the words "if there be one."

On page sixty, line thirty-nine, after the word "weeks," by striking out the words "in two newspapers of opposite politics published in said city," and inserting in lieu thereof the words "in some newspaper of general circulation in said city." ❧

On page sixty-one, after section forty-nine, line ten, by inserting the following:

"ARTICLE XXIX.

Franchises.

"Sec. 50. Franchises shall be granted by the council, allowing to persons or corporations, for a limited time such occupancy of portions of the street as may be necessary for works of public utility and service, such as steam railway tracks, street railway tracks, poles and trolley wires, telephone and telegraph poles and subways, electric light and other electric poles, wires and subways, and gas and steam pipe lines, water, water lines and pipes. But no such franchise shall hereafter be granted except under the following restrictions:

"(1) No ordinance, granting any franchise for the use of the streets, alleys or public grounds for the town for any of the purposes of public utility above named, or for any other purpose of like nature, shall be passed unless it shall have been first proposed in the council, and notice of the object, nature and extent of the franchise shall have been published at least thirty days by the applicant, in some newspaper of general circulation in the city of Welch, before being acted upon, and shall have received a vote of

the majority of the members of the council at a regular meeting after said publication. The votes thereon shall be taken by ayes and noes, and the same entered upon the Journal.

"(2) Every grant of any such franchise shall be for a limited period of time. If no limit be expressly provided in the grant, the franchise shall be valid for one year only. In no case shall the franchise extend for a period exceeding fifty years.

"(3) No grant of any such franchise shall be made without, at the time of making it, providing that the grantee shall indemnify the city against all damages caused by the construction of such work. All reasonable additional provisions and conditions may be made for the protection of the public from unnecessary damage or inconvenience by reason of such works and the operation thereof.

"(4) No grant of a franchise or the extension of, or an addition to, any line of such work, over any additional street or territory of the city, shall be made for a period extending beyond the time limited for the expiration of the franchise of the principal work of which it is an extension; and if the franchise of the principal company or work is one which was granted before this act goes into effect, and is not limited as to time, the franchise granted for the extension or addition shall nevertheless be made subject to the conditions hereof, including a time limit of not exceeding fifty years. If a franchise be secured from the city by an individual or by an independent or new company, and the work constructed thereunder afterwards becomes a part of it, or be operated as a part of a larger work of the same kind whose franchise was previously obtained and is limited to expire earlier, such later franchise shall, by reason of such annexation, merger, or single operation, expire simultaneously with such earlier franchise."

On page sixty-one, by striking out "Sec. 50" and inserting in lieu thereof "Sec. 51."

The bill (House Bill No. 172), as amended, was then ordered to its engrossment and third reading.

Unanimous consent being given, on motion of Mr. Wysong,

Senate Bill No. 223—"A Bill fixing an annual allowance to the clerk of the circuit court of Mercer county."

On first reading, was taken up for immediate consideration and read a first time.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with, and ordered to its second reading.

House Bill No. 236—"A Bill relating to manner of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-a, thereto, preventing such persons so released from becoming residents of Marshall county, West Virginia, for a period of five years."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Weiss, laid over, retaining its place on the calendar.

House Bill No. 221—"A Bill to amend and re-enact section twenty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Lester, the bill was amended by striking out all that follows after the enacting clause and inserting the following:

"Section 1. The county court of Calhoun county, upon petition of twenty per cent. of the voters voting at the last general election, is hereby authorized and empowered to lay a levy each year, in addition to all other levies allowed by law, not exceeding twenty-five cents on each one hundred dollars of all the taxable property of the county for the year the levy is laid, to be called a special road levy for the purpose of permanently improving the roads of said county as hereinafter set forth (permanently improving main class 'a' roads). All moneys raised by said levy shall be expended as hereinafter set forth: one-half of said fund to be spent in the magisterial districts of Sheridan, Center and Sherman, the remaining one-half to be expended in Lee and Washington districts; all to be expended on the class 'a' roads, beginning at two stated points: first at the corporation line of the town of Grantsville, thence to the Wirt county line. Second: beginning at the corporation line of Grantsville to the Lee district line. Third: beginning at the Roane county line on the Glenville, Ripley and Ohio turnpike, commonly known as the Arnoldsburg and Spencer pike; thence, with said pike to the Sherman district line, connecting with the Grantsville road, thence from the mouth of Millstone up the West Fork to the terminal of class 'a' road. All

moneys raised by said levy shall be used only for road purposes, as set forth, and for the purposes of building bridges on said roads. After the completion of the above described roads, the county court may at its discretion expend the money raised from year to year, as set forth for the improvement of class 'a' roads, in the said magisterial districts.

Sec. 2. Said roads or turnpikes shall be permanently improved by said county court of Calhoun county in such manner as is set forth. And all moneys realized from said special levy shall be placed in a separate fund, and separate account shall be kept of said court of the receipts and expenditures of the same, setting forth clearly the sum received by said special levy, and the manner in which the same was expended.

"Sec. 3. The fund arising from said road levy shall be used for no other purpose than for the one above designated, except to build bridges where necessary in building said described roads."

The bill, (H. B. No. 221), as amended, was then ordered to its engrossment and third reading.

House Bill No. 261—"A Bill allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon."

On third reading, coming up in regular order for consideration, was

On motion of Mr. Weiss, laid over, retaining its place on the calendar.

House Bill No. 291—"A Bill to authorize the board of education of Grant district, Wetzel county, to borrow or otherwise secure sufficient funds to finish constructions of public school buildings in the district of Grant, Wetzel county, and to empower them to lay a special levy to provide funds for paying same with interest."

"WHEREAS, The board of education of Grant district, Wetzel county, has heretofore begun the building and construction of public school buildings in the district of Grant and,

"WHEREAS, The funds provided for said purpose have been exhausted, and

"WHEREAS, It is necessary to at once complete the construction of said buildings to prevent severe damage to same, therefore".

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 162—"A Bill to amend and re-enact sections three and fourteen of chapter fourteen of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-seven, in reference to the charter of the city of Wellsburg, as amended by chapter sixty-five of the acts of one thousand eight hundred and ninety-five; chapter one hundred and forty-nine of the acts of one thousand nine hundred and one; chapters sixty-eight and sixty-nine of the acts of one thousand nine hundred and three; chapter ten of the acts of one thousand nine hundred and seven; and chapter four of the acts of one thousand nine hundred and fifteen; and chapter one hundred and sixteen of the acts of one thousand nine hundred and seventeen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 294—"A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and fifty-two of chapter fourteen of the acts of the legislature, one thousand nine hundred and fifteen, incorporating the city of Williamson."

On second reading, coming up in regular order for consideration.

Pending the second reading of the bill,

Mr. Thurmond rose to the point of order that the bill was not on the members' desks, and could not be properly considered at this time.

The bill was then passed over, retaining its place on the calendar.

Unanimous consent being given Mr. Mollohan introduced the following bill on motion for leave which was read by its title:

House Bill No. 300—"A Bill to create the municipal corporation of the city of Richwood, in the county of Nicholas, to grant a charter thereto and to annul the charter of the town of Richwood."

On motion of the same gentleman, reference to a committee was dispensed with, and the bill was ordered to its first reading and placed on the special Calendar.

House Bill No. 272—"A Bill to amend and re-enact sections three, four-a, thirty, forty-one, forty-seven and forty-eight of chapter eighteen of the acts of legislature of one thousand nine hundred and fifteen relating to the charter of the city of Cameron, Marshall county, West Virginia."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

HOUSE JOINT RESOLUTION No.6.

“Authorizing and directing the supreme court of appeals of West Virginia to grant to Boyd Adkins, of Wayne, West Virginia, a license to practice law in the courts of this state.”

Coming up in regular order for consideration, was read by the clerk.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brammer, Bray, Calhoun, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Hale, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Kern, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Peck, Perin, Rankin, Rouss, Sarver, Shaw, Spangler, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—52.

The noes were:

Messrs. Brand, Coberly, Hamilton, John and Lantz—5.

Absent and not voting:

Messrs. Anderson, Bland, Byrnes, Capehart, Clements, Coon, Cosner, Cox, Cuppett, Fortney (of Preston), Godfrey, Grove, Harvey, Hackney, Howard, Jones, Kuykendall, Moore, Moran, McCauley, McClintic, Neale (of Cabell), Nutter, Parsons, Pedigo, Pettigrew, Pridemore, Richards, Scott, Shomo, Starcher, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—36.

Ordered, That Mr. Peck communicate to the Senate the adoption of the resolution (H. J. R. No. 6) and ask concurrence therein.

House Joint Resolution No. 12, coming up in regular order for consideration, was read by the clerk.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brammer, Bray, Byrnes, Calhoun, Cunningham, Ferguson, Fitch, Godfrey, Hale, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Jones, Kern, Lester, Mahan, Mollohan, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Perin, Pridemore, Rouss, Sarver, Shaw, Spangler, Stover, Sturm, Summers, Swisher, Twyman, Vaughn, Weiss and Wolfe (Speaker)—49.

The noes were:

Messrs. Brand, Coberly, John, Lantz, Rankin and Thurmond—6.

Absent and not voting:

Messrs. Bland, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cuppett, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hamilton, Harvey, Howard, Kuykendall, Miller, Moore, Moran, McCauley, McClintic, Neale (of Cabell), Nutter, Otto, Parsons, Peck, Pedigo, Pettigrew, Richards, Scott, Shomo, Starcher, Taylor, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—38.

Ordered, That Mr. Ferguson communicate to the Senatc the adoption of the resolution (H. J. R. No. 12) and ask concurrence therein.

On motion of Mr. Kern, the rules were suspended, and

Senate Bill No. 222—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, **sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve-a, one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two, and one hundred and fifty-nine** of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen entitled, 'An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d.

nineteen-*e*, nineteen-*f*, nineteen-*g*, nineteen-*h*, nineteen-*i*, nineteen-*j*, eighty-*a*, eighty-*b*, ninety-*a*, one hundred and seven-*a*, one hundred and nine-*a*, one hundred and fifteen-*a*, one hundred and forty-nine-*a*, one hundred and fifty-eight-*a*, one hundred and fifty-eight-*b*, one hundred and fifty-nine-*a*, and one hundred and fifty-nine-*b*, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Calhoun, Coberly, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moulds, Musser, McClaren, McDermitt, McPherson, Neal (of Webster), O'Connor, Peck, Perin, Pridemore, Rankin, Sarver, Shaw, Spangler, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss and Wolfe (Speaker)—51.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Byrnes, Capehart, Clements, Coon, Cosner, Cox, Cuppett, Fortney (of Preston), Grove, Hackney, Harvey, Hersman, Hobbs, Houvouras, Howard, Kuykendall, Moore, Moran, Morris, McCauley, McClintic, McVey, Neale (of

Cabell), Nutter, Otto, Parsons, Pedigo, Pettigrew, Richards, Rouss, Scott, Shomo, Starcher, Taylor, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—42.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

On motion of Mr. Kern, the bill was amended on page eighty-two, section one hundred and fifty-nine-a, line nine, by adding after the word "city", the following: "*provided, however, that the commissioners of said election shall be appointed by the Judge of the circuit court of Marion county.*"

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brammer, Bray, Calhoun, Coberly, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moulds, Musser, McClintic, McPherson, McVey, Nutter, O'Connor, Peck, Pridemore, Rankin, Rouss, Sarver, Shaw, Spangler, Sturm, Summers, Swisher, Twyman, Weiss and Wolfe (Speaker)—49.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Brand, Byrnes, Capehart, Clements, Coon, Cosner, Cox, Cuppett, Fortney (of Preston), Godfrey, Grove, Hackney, Harvey, Hersman, Howard, Kuykendall, Moore, Moran, Morris, McCauley, McClaren, McDermitt, Neale (of Cabell), Neal (of Webster), Otto, Parsons, Pedigo, Perin, Pettigrew, Rich-

ards, Scott, Shomo, Starcher, Stover, Taylor, Thomas, Thurmond, Vaughn, Williams (of Ohio), Williams (of Pleasants) and Wysong—44.

Ordered, That Mr. Kern communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 222) as amended by the House, and ask concurrence in the amendment.

Senate Bill No. 198—"A Bill to create the independent school district of Church in the county of Wetzel."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Hall, reference of the bill to a committee was dispensed with, and ordered to its second reading.

On motion of Mr. Coberly, the House adjourned.

FRIDAY, FEBRUARY 14, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Starcher, the further reading thereof was dispensed with.

The following communication was received from the Clerk of the Senate:

CHARLESTON, W. VA.

HON. C. L. TOPPING,

FEBRUARY 13, 1919.

Clerk of the House of Delegates, Charleston, West Virginia.

DEAR SIR:

The Senate has rejected House Joint Resolution No. 2 and House Joint Resolution No. 7.

The resolutions are returned herewith.

Yours very truly,

JOHN T. HARRIS,

Clerk of the Senate.

House Bill No. 50—"A Bill to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-h, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add

thereto sections sixty-seven-*a*, sixty-seven-*b*, sixty-seven-*c*, sixty-seven-*d* and sixty-seven-*e*, relating to inspection of factories, mercantile establishments, mills or workshops."

With Senate amendments, coming up in regular order for consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

On page three, section fifty-nine, line ten, by striking out the word "shall" and inserting in lieu thereof the words "where possible"

On page nine, section sixty-six, line three, after the word "closets" by striking out the following "and such water closets shall be supplied in the proportion of at least one to every forty male persons, and one to every thirty female persons."

On page ten, section sixty-seven, beginning in line three, after the word "necessary" by striking out the following "and in such case in all factories, mills and workshops, not less than one spigot, basin or receptacle shall be provided for each forty employees, and in mercantile establishments not less than one spigot, basin or receptacle shall be provided for each fifty employees."

On page eleven strike out the whole of section sixty-seven-*b*.

On page twelve, in line two of section sixty-seven-*c* of the printed bill strike out the words "or lay off."

On page twelve in line four of section sixty-seven-*c*, after the word equivalent insert the words "or by check or draft."

In the same line strike out the words "twenty-four" and insert in lieu thereof the words "seventy-two."

On page twelve in line six, section sixty-seven-*c*, after the word equivalent insert the words "or by check or draft."

On page twelve in line nine, section sixty-seven-*e*, strike out after the word equivalent the words "or laid off."

On page fourteen in line twenty-two of section sixty-seven-*d*, after the word "act" strike out the words "except the offense set out in section sixty-seven-*b* hereof."

Insert the following, on page fourteen after line twenty-two:

Section 67-*e*. Those portions of all coal mining properties and operations now under the supervision of the department of mines are excepted from the provisions of this act.

On page fourteen strike out the section sixty-seven-*f* and insert in lieu thereof the following:

Section 67-*f*. Sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, and sixty-seven of

chapter fifteen-h, of the code of West Virginia of one thousand nine hundred and sixteen be and they are hereby repealed.

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hamilton, Hays, Hendricks, Hilleary, Hobbs, Howard, John, Jones, Kern, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Sturm, Swisher, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—58.

The noes were:

Messrs. Bray, Kuykendall, Lantz, McCauley, Neale (of Webster), Rankin, Rouss, Starcher, Stover, Summers and Thurmond—11.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Cosner, Cox, Cuppett, Ferguson, Godfrey, Grove, Hale, Hall, Harvey, Hiersman, Hickman, Houvouras, Moran, McClintic, McPherson, Neale (of Cabell), Pedigo, Taylor, Thomas, Vanmeter and Williams (of Pleasants)—24.

Ordered, That Mr. Stover, communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 50) as amended.

The hour having arrived to which the announcement of the vote on

House Bill No. 280—"A Bill to amend and re-enact section three of chapter nineteen on municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason."

Was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hers-

man, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Cosner, Cox, Cuppett, Grove, Harvey, Moran, McCauley, Neale (of Cabell), Pedigo, Taylor, Thomas, Vanmeter and Williams (of Pleasants)—16.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 280) takes effect from its passage.

Ordered, That Mr. Parsons communicate to the Senate the passage of the bill and request concurrence therein.

The hour having arrived to which the announcement of the vote on

House Bill No. 263—"A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividend and income from cash stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor."

Was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hamilton, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Cosner, Cox, Cuppett, Godfrey, Grove, Hale, Hall, Harvey, Hickman, Hilleary, Lester, McPherson, Neale (of Cabell), Taylor and Vanmeter—18.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 263) takes effect from its passage.

Ordered, That Mr. Kern communicate to the Senate the passage of the bill and request concurrence therein.

The hour having arrived to which the announcement of the vote on

House Bill No. 171—"A Bill to amend and re-enact sections seventy, eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine), seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."—

Was made a special order, the Clerk announced the vote as follows:

The ayes were:

Messrs. Anderson, Brammer, Bray, Calhoun, Coberly, Cunningham, Ferguson, Fitch, Hall, Hamilton, Hays, Hersman, Hickman, Hobbs, Houvouras, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, McCauley, McClaren, McClintic, Neal (of Webster), O'Connor, Otto, Peck, Perin, Rankin, Richards,

Rouss, Sarver, Shaw, Summers, Thurmond, Twyman, Vaughn, and Williams (of Ohio)—43.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Byrnes, Capehart, Clements, Coleman, Coon, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hendricks, Hilleary, Howard, Jones, Morris, Moulds, Musser, McDermitt, McVey, Nutter, Pedigo, Pettigrew, Pridemore, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Weiss, Wyson and Wolfe (Speaker)—36.

Absent and not voting:

Messrs. Bland, Cosner, Cox, Cuppett, Grove, Hale, Harvey McPherson, Neale (of Cabell), Parsons, Taylor, Thomas, Vanmeter and Williams (of Pleasants)—14.

So, a majority of those present and voting, having voted in the affirmative the motion prevailed and the amendment was adopted.

The bill was then ordered to its engrossment and third reading.

House Bill No. 54—"A Bill to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen."

With Senate amendments, coming up in regular order for consideration.

The amendment proposed by the Senate was reported by the Clerk as follows:

On page one, section nineteen, beginning in line four, strike out the words "The wife or husband of the accused shall also, at the request of the accused, or upon his or her own request, be a competent witness on such trial and examination", and insert in lieu thereof the following: "The wife or husband of the accused shall also, at his or her request, where the offense is committed against either the husband or the wife or the child, father, mother, sister or brother of either of them or upon the request of the accused (but not otherwise), be a competent witness on such trial and examination."

On motion of Mr. Fortney (of Preston) the amendment proposed by the Senate was agreed to.

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs,

Houvouras, Howard, John, Jones, Kern, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McVey, Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott Shaw, Shomo, Spangler, Starcher, Sturm, Swisher, Thomas, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—65.

The noes were:

Messrs. Coberly, Lantz, Neal (of Webster), Rouss, Thurmond and Twyman—6.

Absent and not voting:

Messrs. Bannister, Bland, Calhoun, Cosner, Cox, Cuppett, Godfrey, Grove, Hale, Hall, Harvey, Kuykendall, Moore, Musser, McPherson, Neale (of Cabell), Parsons, Stover, Summers, Taylor, Vanmeter and Williams (of Pleasants)—22.

Ordered, That Mr. Fortney (of Preston) communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 54) as amended.

A message from the Senate by Mr. Stewart announced the passage by that body of

Senate Bill No. 45—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Gribble announced the passage by that body of

Senate Bill No. 226—"A Bill relating to interest on high school bonds of Washington district, Pleasants county, West Virginia."

And asked the concurrence of the House therein.

On motion of Mr. Thurmond leave of absence for three days was granted to Mr. Bland.

House Bill No. 146—"A Bill to amend and re-enact section six, serial section number four thousand four hundred and ten of chapter one hundred and three of Hogg's West Virginia code of one thousand nine hundred and thirteen, relating to the maximum amount that may be recovered in an action for wrongful death."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Pres-

ton), Hackney, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—71.

The noes were:

Messrs. Anderson, Fitch, Mahan, McCauley and Summers—5.

Absent and not voting:

Messrs. Bland, Cosner, Cox, Cuppett, Godfrey, Grove, Hale, Hall, Harvey, John, Kuykendall, Neale (of Cabell), O'Connor, Taylor, Thomas, Vanmeter and Williams (of Pleasants)—17.

Ordered, That Mr. Hackney communicate to the Senate the passage of the bill (H. B. No. 146) and ask concurrence therein.

Senate Bill No. 59—"A Bill providing for the unauthorized use of vehicles."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thomas, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—68.

The noes were:

Messrs. Coberly, Hall and Rankin—3.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Cosner, Cox, Cuppett, Godfrey, Grove, Hale, Hamilton, Harvey, John, Kuykendall, Lester, McClaren, Neale (of Cabell), Nutter, Taylor, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—22.

Ordered, That Mr. Pettigrew communicate to the Senate the

concurrence of the House of Delegates in the passage of the bill (S. B. No. 59).

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties; section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employes by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—74.

The noes were:

Mr. Hall—1.

Absent and not voting:

Messrs. Bannister, Bland, Coleman, Cosner, Cox, Cuppett, Grove, Hale, Harvey, Neale (of Cabell), Parsons, Pridemore, Rouss, Summers, Taylor, Thomas, Vanmeter and Williams (of Pleasants)—18.

Mr. McClaren moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—74.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Calhoun, Cosner, Cox, Cuppett, Grove, Hale, Harvey, Lester, McVey, Neale (of Cabell), Pedigo, Pridemore, Rouss, Starcher, Taylor, Vanmeter and Williams (of Pleasants)—19.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 46) takes effect from its passage.

Ordered, That Mr. McClaren communicate to the Senate the passage of the bill and request concurrence therein.

Senate Bill No. 178—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brammer, Bray, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Preston) Godfrey, Hackney, Hays, Hickman, Hobbs, Houvouras, Howard, Jones, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Scott, Shomo, Spangler, Starcher, Stover, Sum-

mers, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wysong—53.

The noes were:

Messrs. Anderson, Blackhurst, Brand, Byrnes, Fortney (of Harrison), Hall, Hamilton, Hendricks, Hersman, Hilleary, John, Kuykendall, Morris, McCauley, Rankin, Richards, Sarver, Shaw, Sturm, Thomas, Thurmond and Wolfe (Speaker)—22.

Absent and not voting:

Messrs. Bannister, Bland, Calhoun, Cosner, Cox, Cuppett, Grove, Hale, Harvey, Kern, Musser, Neale (of Cabell), Pridemore, Rouss, Swisher, Taylor, Vanmeter and Williams (of Ohio)—18.

Ordered, That Mr. Parsons communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 178).

House Bill No. 188—"A Bill concerning notaries public who are stockholders, directors, officers, or employees of banks or other corporations."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Scott, Shaw, Spangler, Starcher, Sturm, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—65.

The noes were:

Messrs. Brand, Miller, Moran, McDermitt, McPherson, Neal (of Webster) and Stover—7.

Absent and not voting:

Messrs. Bannister, Bland, Capehart, Cosner, Cox, Cuppett, Grove, Hale, Harvey, Hendricks, McVey, Neale (of Cabell), Otto, Rouss, Sarver, Shomo, Summers, Swisher, Taylor, Vanmeter and Williams (of Pleasants)—21.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 188) and ask concurrence therein.

House Bill No. 167—"A Bill prohibiting the wearing by **any person** not entitled thereto of an emblem of any secret order or **organization** and prescribing the penalties of such violations."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, **Bray**, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, **Cunningham**, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hamilton, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—72.

The noes were:

Messrs. Hall, Hays and Neal (of Webster)—3.

Absent and not voting:

Messrs. Anderson, Bland, Coon, Cosner, Cox, Cuppett, Grove, Hale, Harvey, Hersman, John, Neale (of Cabell), Parsons, Sarver, Swisher, Taylor, Vanmeter and Williams (of Pleasants)—18.

Ordered, That Mr. Mahan communicate to the Senate the passage of the bill (H. B. No. 167) and ask concurrence therein.

House Bill No. 214—"A Bill to amend and re-enact section seven of chapter one hundred and forty-eight of the code of West Virginia, relating to deadly weapons and state license to carry weapons."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Brand, Bray, Byrnes, Calhoun, Coberly, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rich-

ards, Rouss, Scott, Shaw, Spangler, Sturm, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—63.

The noes were:

Messrs. Blizzard, Capehart, Clements, Pedigo and Stover—5.

Absent and not voting:

Messrs. Bannister, Bland, Brammer, Coleman, Coon, Cosner, Cox, Cuppett, Grove, Hale, Harvey, Moore, Moran, McVey, Neale (of Cabell), Parsons, Sarver, Shomo, Starcher, Summers, Swisher, Taylor, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—25.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 214) and ask concurrence therein.

Senate Bill No. 9—"A Bill to amend and re-enact section twenty-five of chapter one hundred and thirty-one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hall, Hamilton, Hersman, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Rouss, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Thomas, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—54.

The noes were:

Messrs. Anderson, Bray, Hays, Hendricks, John, Kuykendall, Mollohan, McCauley, McClintic, McPherson, Neal (of Webster), Perin, Pridemore, Rankin, Sarver, Shomo, Swisher and Thurmond—18.

Absent and not voting:

Messrs. Bannister, Bland, Coleman, Coon, Cosner, Cox, Cuppett, Grove, Hackney, Hale, Harvey, Hilleary, Lantz, McVey, Neale (of Cabell), Richards, Summers, Taylor, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—21.

Ordered, That Mr. Pedigo communicate to the Senate the amendment by the House of Delegates and the passage of the bill (S. B. No. 9) as amended, and ask concurrence therein.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 7)—An Act to amend and re-enact section thirty-six, of chapter ninety of the code of West Virginia.

Also,

(S. B. No. 11)—An Act to amend and re-enact section four of chapter one hundred fourteen-*b* of the code of West Virginia, of one thousand nine hundred thirteen.

Also,

(H. B. No. 55)—An Act to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments.

And,

(S. B. No. 200)—An Act to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-*a* thereto, and amending and re-enacting sections six, thirteen and fourteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the fourteenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 7)—An Act to amend and re-enact section thirty-six of chapter ninety of the code of West Virginia.

Also,

(S. B. No. 11)—An Act to amend and re-enact section four of chapter one hundred fourteen-*b* of the code of West Virginia, of one thousand nine hundred thirteen.

Also,

(H. B. No. 55)—An Act to amend and re-enact section ten of chapter one hundred and thirty-nine of the code of West Virginia, relating to the issue of executions on judgments.

And,

(S. B. No. 200)—An Act to amend chapter three of the acts of the extra session of the legislature of one thousand nine hundred and eight, establishing the independent school district of Buckhannon, by adding section twelve-*a* thereto, and amending and re-enacting sections six, thirteen and fourteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 6)—An Act to amend and re-enact section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen.

And,

(Senate Sub. for H. B. No. 60)—An Act to amend and re-enact sections twelve, thirteen, nineteen and twenty, of chapter one hundred and thirty-seven, of the code of West Virginia, Hogg's one thousand nine hundred and thirteen edition, relating to fees of officers.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the fourteenth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 6)—An Act to amend and re-enact section four of chapter one hundred and fourteen of the code of West Virginia of one thousand nine hundred and thirteen.

And,

(Senate Sub. for H. B. No. 60)—An Act to amend and re-enact twelve, thirteen, nineteen and twenty, of chapter one hundred and thirty-seven, of the code of West Virginia, Hogg's one thousand nine hundred and thirteen edition, relating to fees of officers.

Respectfully submitted,

W. L. POLING

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

On motion of Mr. Fortney (of Preston), the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. John rose to the right of personal privilege and stated the following, which is ordered printed in the Journal:

"In order to correct the evident misunderstanding on the part of individuals and labor unions in this state as to the purpose and meaning of House Bill No. 104. I desire, as its author, to make a statement of record. The measure has become known as the loyalty, or anti-red flag act. It forbids the teaching of doctrines hostile, inimical and antagonistic to the constitutions and ideals of our nation and state; it bars violence and terrorism; and it upholds the stars and strips as the one flag of our freedom. It has received the unanimous votes of both branches of this legislature.

"Notwithstanding its noble purpose and unquestionable ground, the Members of this legislature have received requests, nay, even demands, ostensibly in the name and on behalf of labor unions, that it be defeated. At this are we not surprised or alarmed? And must we not now again declare our judgment in its wisdom and defend its patriotism?

"On many measures we have united on the basis of honest service and fair reward, mutual rights and mutual helpfulness—the common grounds on which both industry and employees must succeed and without which both must fail. It is the purpose of this measure, as every serious thinking citizen must admit, to prevent the threatening cloud of Bolshevism from gathering over the industries which capital and labor alike must foster in order to secure prosperity, peace and orderly progress. The thwarting of that menace by this measure is the greatest blessing which this legislature has brought to all honest labor.

"Behind the red flag marches treason and disorder. No one has stepped forth from beneath the red flag to enlist in the ranks of the loyal boys who have gloriously upheld our democratic freedom upon the battle fields. The great menace of our state and nation is from those who preach the overthrow of our constitutions and laws and disregard for the flag. Freedom of speech is not the right to destroy the constitution or insult the stars and stripes. It is only the right to stand for true democracy.

"There is no common ground on which we can meet or treat with treasonable acts. There is no place in West Virginia or America for disloyalty and anarchy, with their consequent assassination and annihilation of the constitutions and ideals of our nation and state. There is no field of usefulness here, in the hours of reconstruction and Americanization, for mistaken or misguiding leadership of our men of brawn and toil. There shall be no toleration of the inflaming flag, the incendiary torch, the assassinating dagger.

"Let no man falter here. Sooner shall we die in defense of our nation's flag than recede one jot or tittle from the high ground we have here taken. Today and tomorrow, let us watch lest we forget—lest we forget the undying valor of American sons, the memory of their service and lives and the honor of the fathers and mothers who gave them to the world for freedom. Our nation and state must rise in might ere their foreign born refugees or their citizens of treason shall tear down our flag and raise the bloody banner of the Bolsheviki and set the flaming torch of anarchy at the foot of our constitutions, destroying the rights and ideals which all worthy labor loyally upholds.

"We stand for one nation, with one constitution and one flag."

Mr. Strarcher presented the following communication, which was read by the Clerk and ordered printed in the Journal:

CHARLESTON, W. VA.,

February 14, 1919.

To the United Mine Workers of America in Special Convention Assembled:

In pursuance with the request of your committee, we, the undersigned members of the House of Delegates who are card members of labor unions, submit the following in reply to the question put to us by your convention as to why we supported House Bill No. 104, known as the "Red Flag Bill."

The bill was introduced in the House by Mr. John, on January sixteenth (see House Journal, page fifty-six). It was referred to the Judiciary Committee, reported back with the recommendation that it do pass, and it passed the House on January thirtieth, by a vote of eighty-one for and none against the bill. (See House Journal January thirtieth, page sixteen.)

The bill was under consideration in the House for fourteen days, during which period not a single representative of organized labor that body on February tenth, by a vote of twenty-eight for and none against the bill. (See Senate Journal, page thirty-three, of that date.)

The bill was under consideration a period of twenty-five days, and each day organized labor had its paid representatives here to watch legislation and to protest against any measure deemed unfair to our interests. We heard of no opposition to the bill from any source, and we were not approached by anyone until your special convention had been called. All of this time we were standing as a unit in striving to pass progressive legislation. Fifteen labor bills had then been introduced by the so-called labor group of the House.

The statement of the progress of the bill is made because you are entitled to complete information. It is not made, however, as an excuse for our support of the bill. The title of the bill sets out clearly its purpose. It intends to safe-guard our institutions and to protect our ideals and traditions against hostile forces within, who are unfriendly to a republican form of government and to repel foreign invasion, usurpation and invasion of evil influences from without. To this end section one of the Bill, makes it unlaw-

ful to use crime, violence or terrorism in an effort to change the constitution: to overthrow the established order, or to subvert the common rights.

We do not believe that the bill abridges the right of free speech, or that it locks the lips of thought. It will protect all citizens alike, and follow the trades-union member in his support of the common good. It will only hinder the I. W. W.'s and anarchists. If any effort is made to divert its course, we rely upon the constitution of West Virginia and of the United States, both with confidence and security, realizing that no act of the legislature can suspend the organic law. Further, we have endeavored to so conduct ourselves as members of the House so as to win the confidence of the courts and of the people in behalf of organized labor.

Section two makes it unlawful to display the red flag, the black flag, or any other emblem in preference to the flag of the Republic, or as an evidence of revolt against the government and the constituted authorities. With this sentiment we are in hearty accord. As members of the legislature we took an oath to support the constitution of the United States and of the state of West Virginia, and to give full allegiance thereto.

We look upon our form of government as the grandest in its conception; the most perfect in its organization, and the most just in its administration of any form of government in the world. "Old Glory" is the emblem of the government. It has no peer in the realm of colors, and no equal as the champion of liberty, fraternity and equality. Its spirit of kinship with struggling peoples is broad enough to embrace world-wide democracy. Sixty thousand of your fellow craftsmen marched proudly under it with two million American soldiers during the war. Thousands of them offered the last supreme sacrifice that the "Flag of the Free" might waive in triumph. Under its folds they struck down autocracy in the old world, dethroned Caesar, and laid the foundation for the establishment of universal equity. It will likewise humble autocratic power in whatever form it raises its head in the new world.

Organized labor is not afraid to trust the people. The American Federation of Labor performed a great task of patriotic duty when it set its face hard against I. W. W.-ism, Bolshevism and those forces of destruction which believe in "sabotage" direct action, and who seek to destroy the confidence of the people in the government, and would overthrow it if they had the power.

tion," insert the following: "Tankage, meat meal or meat scraps cannot be sold in this state through dealers, or otherwise, except under the regulation of government inspection of tankage, meat meal or meat scraps, and that each container shall have a prescribed label from the Bureau of Animal Industry in compliance with the act of Congress of June thirtieth, one thousand nine hundred and six."

On page nine, section eleven, line six, strike out after the word "commissioner" the following: "in the discharge of his duties in behalf of agriculture" and insert in lieu thereof the following: "Any moneys received under this act, remaining after said expenses have been paid, shall be used by the commissioner for carrying on co-operative work with the United States Bureau of Animal Industry for the eradication of tuberculosis among cattle in this state and such moneys remaining as aforesaid are hereby appropriated to the use of said purposes. Said expenses shall not exceed fifteen thousand dollars in any one fiscal year."

On page nine after section eleven insert the following:

"Sec. 12. *Provided*, That any commercial feeding stuff, manufactured and prepared from pure grain at any mill in this state and sold by the manufacturer thereof, shall not be required to be registered and tagged."

Unanimous consent being given, Mr. Moore introduced the following bill, on motion for leave, which was read by its title:

By Mr. Moore:

House Bill No. 301—"A Bill to comply with decrees of the supreme court of the United States in the suit of the commonwealth of Virginia *v.* the state of West Virginia, pending in that court, providing for the issuance of bonds and the appropriation of money for the payment of what is commonly known as the Virginia debt."

WHEREAS, After protracted litigation, the supreme court of the United States, by its decree entered in the above named suit on the fourteenth day of June, one thousand nine hundred and fifteen, adjudged, ordered and decreed that:

"The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of \$12,393,-929.50 with interest thereon from July one, one thousand nine hundred and fifteen, until paid, at the rate of five *per centum per annum*, and that each party pay one-half of the costs."

Which debt, interest and costs under the terms of said decree as of January one, A. D. one thousand nine hundred and nineteen, are as follows:

1915, July 1, Principal.....	\$12,393,929.50
Interest thereon from July 1, 1915, to January 1,	
1919, at five per cent.....	\$ 2,168,937.66
Total principal and interest, as of said January	
1, 1919	\$14,562,867.16

to which is to be added one-half of the costs of said suit, estimated to be approximately, \$. ; and

WHEREAS, The State of West Virginia desires to comply with the decree of said court and to satisfy the same as soon as practicable; and

WHEREAS, This Legislature has been informed by the Honorable Randolph Harrison, attorney for the Virginia debt commission, that bonds of this state, dated January one, one thousand nine hundred and nineteen, bearing three and one-half *per centum* interest, payable semi-annually on the first days of July and January in each year, hereinafter described, to the face amount of \$13,000,-000.00, together with the cash payment of the sum of \$1,062,867.16, said sum bearing interest at the rate of five *per centum per annum* from January one, one thousand nine hundred and nineteen, until the date of payment thereof, to which sum shall be added one-half of said costs, estimated as above set forth, to be approximately \$. , will be accepted at par in satisfaction of the judgment and decree of the supreme court of the United States first above referred to, with the privilege of West Virginia retaining in the state treasury bonds sufficient in amount to cover the so-called West Virginia debt certificates which have not been deposited with the Virginia debt commission, to be held pending the delivery of any or all of said undeposited certificates:

On motion of the same gentleman, reference to a committee was dispensed with.

The bill (House Bill No. 301) was then read a first time and ordered to its second reading.

The following communication was received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal:

STATE OF WEST VIRGINIA, EXECUTIVE DEPARTMENT,

CHARLESTON, FEBRUARY 13, 1919.

To the Members of the House of Delegates:

I have this day approved the following Bills originating in the House of Delegates:

House Bill No. 61, relating to the office of state librarian.

House Bill No. 78, regulating the employment of minors.

House Bill No. 96, relating to special levy for Town district, Raleigh county, West Virginia.

House Bill No. 100, fixing the time of holding the regular terms of the circuit court of the twentieth judicial circuit.

House Bill No. 151, establishing a demonstration community packing house.

Respectfully,

J. J. CORNWELL, *Governor.*

A message from the Senate, by Mr. Staats, announced the passage by that body of

Senate Bill No. 195—"A Bill to amend and reenact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled 'An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia, entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia.'"

And asked the concurrence of the House therein.

SENATE JOINT RESOLUTION NO. 15.

"Proposing an amendment to the Constitution of this State."

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the following amendment to the Constitution of this State be, and the same is hereby agreed to, to-wit:

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing or maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time shall not exceed fifty million dollars.

When a bond issue as aforesaid is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 258—"A Bill to amend and re-enact sections fifty-a, twenty-eight-b-one, fifty-b-twenty-eight-b-two, fifty-h-twenty-eight-b-eight, fifty-one-twenty-eight-b-twelve, fifty-yy-twenty-eight-b-twenty-nine of chapter three of Hogg's code of West Virginia, relating to primaries and convention nominations, and providing for the ascertainment and publication of the results thereof."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. John, severally made, the bill was amended as follows:

On page two, section fifty, lines nine, ten and eleven, strike out "candidates for judges of the circuit court and candidates for judges of the criminal or intermediate court."

On page seven, line eleven, strike out word "except" and insert word "including."

On page seven, line twelve, strike out "including" and insert "and."

On page twelve, lines fifty-two, fifty-three and fifty-four, strike out "for judges of the circuit courts of the several circuits as well as judges of the intermediate and criminal courts of those counties having such courts."

In line fifty-five, strike out "circuits and counties."

In line fifty-seven, strike out "circuits and counties having such intermediate and criminal courts."

On page twelve, lines fifty-eight and fifty-nine, strike out "and judicial."

Mr. Neal (of Webster), moved to amend the bill on page three, section fifty-a, by inserting after the word "offices," in line five, the words "state senators," also, that the tenth senatorial district be excepted.

Which amendment did not prevail.

Mr. Wysong moved to amend the bill on page four, line fourteen, by striking out the word "six" and inserting in lieu thereof the word "fifteen."

Which amendment did not prevail.

Mr. Rankin moved to amend the bill on page one, by striking out the enacting clause.

Pending which,

On motions of Mr. Wysong, severally made, the bill was amended on page four, in lines fourteen and seventeen, by striking out the word "six" and inserting in lieu thereof the word "fourteen."

The question recurring on the motion of Mr. Rankin to strike out the enacting clause, and

On that question,

Mr. Hall demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the roll call,

Mr. Neal (of Webster), moved that the announcement of the vote be postponed until tomorrow.

Which motion did not prevail,

Whereupon,

The Clerk announced the vote, as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Calhoun, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hall, Hamilton, Hobbs, Houvouras, Howard, Jones, Lantz, Lester, Mollohan, Moore, Morris, Musser, McPherson, Neal (of Webster), Peck, Rankin, Rouss, Sarver, Shaw, Shomo, Spangler, Stover and Sturm—36.

The noes were:

Messrs. Anderson, Brand, Brammer, Bray, Byrnes, Capehart, Cuppett, Fortney (of Preston), Hays, Hendricks, Hersman, Hickman,

Hilleary, John, Kern, Kuykendall, Mahan, Miller, Moran, Moulds, McCauley, McClaren, McClintic, McDermitt, Nutter, O'Connor, Otto, Parsons, Perin, Pettigrew, Pridemore, Richards, Starcher, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—42.

Absent and not voting:

Messrs. Bland, Coberly, Cosner, Cox, Grove, Hale, Harvey, McVey, Neale (of Cabell), Pedigo, Scott, Taylor, Thomas, Vanmeter and Williams (of Ohio)—15.

So a majority of the members present not having voted in the affirmative, the motion (to strike out the enacting clause) did not prevail.

The bill (H. B. No. 258), as amended, was then ordered to its engrossment and third reading.

A message from the Senate, by Mr. Scherr, announced that the Senate had concurred with the House in the passage, to take effect from its passage, of

House Bill No. 177—"A Bill to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts, and known as the 'Charter of the City of Charleston,' and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, all relating to and becoming a part of the charter of the city of Charleston."

A message from the Senate, by Mr. Fox, announced that the Senate had reconsidered the vote by which it had refused to concur in the adoption of, and requested the return to that body of

HOUSE JOINT RESOLUTION No. 2.

"Authorizing the State Board of Health to issue to U. G. Morton of Lizemore, Clay county, West Virginia, a license to practice medicine and surgery."

WHEREAS, U. G. Morton has been engaged in the practice of medicine for twenty years, and is a useful man in the community in which he lives, in the care and attention of sick and injured persons; and

WHEREAS, The said U. G. Morton is a respectable, honorable and intelligent citizen of said county of Clay; and

WHEREAS, The said U. G. Morton is prevented by a technicality from obtaining a license to practice his profession; and

WHEREAS, The said U. G. Morton is an ethical practitioner, and is a useful man in his community: therefore be it

Resolved, By the Legislature of West Virginia, That the State Board of Health, be and it is hereby authorized and requested to issue to the said U. G. Morton a license to practice medicine and surgery, in all their branches, within this state, from and after the passage of this resolution.

And,

HOUSE JOINT RESOLUTION NO. 7.

"Authorizing and directing the public health council to issue to Dr. W. R. Bond, of Selbyville, Upshur county, West Virginia, a certificate to practice medicine and surgery in the state of West Virginia, and giving him authority to practice thereunder."

WHEREAS, the said Dr. W. R. Bond had, prior to the enactment of chapter eleven of the acts of the legislature of one thousand nine hundred and fifteen (regular session) practiced medicine in said state for more than twelve years, during which period he had been an ethical practitioner; therefore, be it

Resolved, by the legislature of West Virginia, That the public health council constituted by said act be, and the said council is hereby empowered and directed to register the said Dr. W. R. Bond as a licensed physician, and to issue to him a certificate, without examination, authorizing him to practice medicine and surgery in the state of West Virginia upon his filing with the secretary of said council an affidavit showing his name, age and place of residence, and that he had practiced medicine for more than twelve years prior to the passage of said act; *provided*, said affidavit shall be filed with the secretary of said council within six months from the adoption of this resolution. And from and after the issuance to him of said certificate as herein provided, he shall be lawfully entitled to continue the practice of medicine and surgery anywhere in said state.

A message from the Senate, by Mr. Luther, announced the concurrence of that body in the passage of

House Bill No. 156—"A Bill to create the department of mines; to re-district the state for the purpose of mine inspection and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven."

A message from the Senate, by Mr. Poling, announced the concurrence of that body in the passage of

House Bill No. 197—"A Bill to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the independent school district of Point Pleasant, and to change and enlarge the boundary and limits of said independent school district so as to include additional territory."

The hour of 3 o'clock, P. M., having arrived

HOUSE CONCURRENT RESOLUTION No. 9.

"Relating to the judgment of Virginia vs. West Virginia."

Resolved, by the House of Delegates, the Senate concurring, That the offer of settlement of the judgment of Virginia vs. West Virginia made by the Virginia Debt Commission be, and the same is hereby, accepted, and the Committees on the subject of the Virginia debt of the respective Houses are hereby directed to prepare and submit to the House and Senate suitable bill or bills for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, necessary to carry out the terms of such offer.

Which was made a special order for that hour, was taken up for consideration.

Mr. Rankin moved to amend the resolution by striking out the words immediately following the words "House and Senate suitable" the words, "bill or bills for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, necessary to carry out the terms of such offer" and to insert in lieu thereof the words "an amendment to the constitution of the State of West Virginia to be proposed in the House of Delegates and the Senate of this state, as provided in section two of article fourteen of the constitution, to be submitted to the voters of the state for ratification or rejection at the next general election, the purpose of which shall be to provide for the payment of the Virginia debt, by the payment of cash and issuance of bonds and delivery of same to carry out the terms of the offer of the Virginia debt commission, or otherwise, as may be determined by the Committees on the subject of the Virginia debt."

Pending which,

Mr. Starcher moved that the resolution be made a special order for 3 o'clock, P. M., tomorrow, and that the House recess until 7:30 o'clock, P. M.

Which motion did not prevail.

Mr. Houvouras moved the previous question.

The question prevailing, the Speaker propounded the main question: "Shall the amendment proposed by Mr. Rankin be adopted?" and

On that question, Mr. Rankin demanded the ayes and noes,

Which demand was not sustained.

The question was then put by the Chair, and the amendment did not prevail.

Thereupon,

Mr. Moore moved to amend the resolution (H. C. R. No. 9) by substituting the following:

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION No. 9.

Resolved, By the House of Delegates, the Senate concurring, that the offer of settlement of the judgment of Virginia vs. West Virginia made by the Virginia debt commission be, and the same is hereby referred to the Committees on the subject of the Virginia debt of the respective Houses, and they are hereby directed to consider House Bill No. 301 this day introduced in the House providing for the payment of the judgment of the supreme court of the United States in the case of the state of Virginia vs. state of West Virginia, and providing for the payment of the cash payment and the issuance and delivery of the bonds necessary to carry out the terms of such offer; and be it further

Resolved, That the Hon. Randolph Harrison, counsel for the Virginia debt commission, be invited to meet with the standing committees on Virginia debt of the two Houses during the consideration of House Bill No. 301 for the purpose of offering any suggestions by way of amendment to said Bill which said Committees may choose to adopt."

On the question of the adoption of the substitute offered by Mr. Moore,

Mr. Brand demanded the ayes and noes,

Which demand was not sustained.

The vote being taken, the "Substitute for House Concurrent Resolution No. 9" was adopted.

Whereupon,

Mr. Thurmond rose to the point of order that the original resolution (H. C. R. No. 9) had not been disposed of,

Which point of order the Chair takes time to consider until tomorrow.

Unanimous consent being given.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary, has had under consideration,

Senate Bill No. 2—"A Bill to amend and re-enact section two of chapter seventy-six of the code of West Virginia, as amended and re-enacted by chapter forty-nine of the acts of one thousand nine hundred and seventeen, regular session, relating to forms of releases and acknowledgments."

And report the same back with the recommendation that it do pass as amended.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Unanimous consent being given,

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 254—"A Bill to amend and re-enact section one, chapter sixty-five, serial section three thousand six hundred and forty-nine, Hogg's code one thousand nine hundred and thirteen."

Also,

House Bill No. 265—"A Bill to amend and re-enact section six of chapter thirty-one of the code of West Virginia of one thousand nine hundred and thirteen relating to the sale of land for taxes."

Also,

Senate Bill No. 1—"A Bill to amend and re-enact sections four and five of chapter seventy-four of the code of West Virginia."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

House Bill No. 254 having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

House Bill No. 265 having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Senate Bill No. 1 having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

On motion of Mr. Weiss, the House recessed until 7:30 P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

House Bill No. 283—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

On third reading, coming up in regular order for consideration, was

On motion of Mr. McClintic, laid over, retaining its place on the calendar.

Mr. Pettigrew in the chair.

Senate Bill No. 177—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Upshur county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brand, Brammer, Calhoun, Coon, Cunningham, Fortney (of Harrison), Fortney, (of Preston), Hackney, Hall, Hays, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lester, Mahan, Musser, McCauley, McClaren, McClintic, McDermitt, McPeherson, McVey, Neal (of Webster), Otto, Parsons, Peck, Pettigrew, Pridemore, Rankin, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—49.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bannister, Bland, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Cosner, Cox, Cuppett, Ferguson, Fitch, Godfrey, Grove, Hale, Hamilton, Harvey Hendricks, Hickman, John, Kern, Lantz, Miller, Mollohan, Moore, Moran, Morris, Moulds, Neale (of Cabell), Nutter, O'Conner, Pedigo, Perin, Richards, Rouss, Stover, Summers, Taylor, Vanmeter, Williams (of Pleasants) and Wysong—44.

Mr Hilleary moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The Clerk called the roll,
Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:15 o'clock, A. M. tomorrow.

Senate Bill No. 180—"A Bill to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brand, Brammer, Calhoun, Coon, Cunningham, Fortney (of Harrison), Fortney (of Preston), Hall, Hamilton, Hays, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Lantz, Lester, Mahan, Mollohan, Moran, Morris Musser McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Otto, Parsons, Peck, Pettigrew, Pridemore, Rankin, Sarver, Shaw, Shomo Spangler, Starcher, Sturm, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—51.

The noes were:

None.

Absent and not voting:

Messrs. Anderson Blackhurst, Bannister, Bland, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Cosner, Cox, Cuppett, Ferguson, Fitch, Godfrey, Grove, Hackney, Hale, Harvey, Hendricks, Hickman, John, Kern, Kuykendall, Miller, Moore, Moulds, McCauley, Neale (of Cabell), Nutter, O'Connor, Pedigo, Perin, Richards, Rouss, Scott, Stover, Summers, Taylor, Vanmeter, Williams (of Pleasants) and Wysong—43.

Mr. Sturm moved that the bill take effect from its passage.

On the question "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:20 o'clock, A. M. tomorrow.

House Bill No. 172—"A Bill to create and to incorporate the

municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson Blizzard, Brammer, Calhoun, Coleman, Coon, Cunningham, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hays, Hersman, Hilleary, Hobbs, Houvouras, Jones, Lantz, Mahan, Mollohan, Morris, Moulds, Musser, McClaren McClintic, McVey, Neal (of Webster), Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—51.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Bray, Capehart, Clements, Coberly, Cosner, Cox, Cuppett, Ferguson, Fitch, Godfrey, Grove, Hale, Harvey, Hendricks, Hickman, Howard, John, Kern, Kuykendall, Lester, Miller, Moore, Moran, McCauley, McDermitt, McPherson, Neale (of Cabell) Nutter, O'Connor, Pedigo, Richards, Scott, Summers, Taylor, Vanmeter, Williams (of Pleasants) and Wysong—41.

Mr. McClaren moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:25 o'clock A. M. tomorrow.

Senate Bill No. 223—"A Bill fixing an annual allowance to the clerk of the circuit court of Mercer county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 236—"A Bill relating to manner of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-a, thereto, preventing such persons

so released from becoming residents of Marshall county, West Virginia, for a period of five years."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Rankin moved to amend the bill by striking out the enacting clause.

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

House Bill No. 221—"A Bill to amend and re-enact section twenty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Calhoun, Cunningham, Fortney (of Harrison), Hackney, Hall, Hamilton, Hays, Hickman, Hilleary, Hobbs, Houvouras, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moulds, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thomas, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—48.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Bray, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hale, Harvey, Hendricks, Hersman, Howard, John, Kuykendall, Moore, Moran, Morris, Musser, McCauley, McPherson, Neale (of Cabell), O'Connor, Pedigo, Pridemore, Richards, Rouss, Sarver, Summers, Taylor, Thurmond, Vanmeter, Williams (of Pleasants) and Wysong—45.

Mr. Hays moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:30 o'clock A. M. tomorrow.

House Bill No. 261—"A Bill allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Bannister, Blizzard, Brammer, Byrnes, Calhoun, Clements, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Jones, Kern, Lantz, Mahan, Mollohan, Moran, Moulds, Musser, McClaren, McClintic, McVey, Neal (of Webster), Nutter, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Summers, Swisher, Thomas, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—54.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Capehart, Coberly, Coleman, Coon, Cosner, Cox, Ferguson, Fitch, Grove, Hale, Harvey, Hersman, Howard, John, Kuykendall, Lester, Miller, Moore, Morris, McCauley, McDermitt, McPherson, Neale (of Cabell), O'Connor, Pedigo, Pridemore, Richards, Sarver, Stover, Taylor, Thurmond, Vanmeter, Williams (of Pleasants) and Wysong—39.

Ordered, That Mr. Nutter communicate to the Senate the passage of the bill (H. B. No. 261) and ask concurrence therein.

On motion of Mr. Wolfe, the House adjourned.

SATURDAY, FEBRUARY 15, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, chaplain of the House.

Pending the reading of the Journal yesterday,

On motion of Mr. Sarver, the further reading thereof was dispensed with.

Mr. Moore from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 101—"A Bill to amend and re-enact sections eleven, twelve, thirteen, fourteen, fifteen and sixteen and add thereto sections seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of chapter fifty-one of the code relating to notaries public and commissioners for other states and territories and providing for the appointment of commissioners for the state."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

The hour having arrived to which the announcement of the vote on Senate Bill No. 177—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Upshur county."

Was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coleman, Cosner, Cox, Fitch, Godfrey, Grove, Hale, Harvey, John, Kuykendall, Miller, Neale (of Cabell), Taylor and Vanmeter—16.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 177) takes effect from its passage.

Ordered, That Mr. Hilleary communicate to the Senate the concurrence of the House in the passage of the bill.

The hour having arrived to which the announcement of the vote on Senate Bill No. 180—"A Bill to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston."

Was made a special order, the Clerk announced the vote as follows: On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—76.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coleman, Cosner, Cox, Fitch, Godfrey, Grove, Harvey, John, Kuykendall, Miller, Neale (of Cabell), Richards, Taylor, Vanmeter and Williams (of Ohio)—17.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 180) takes effect from its passage.

Ordered, That Mr. Sturm communicate to the Senate the concurrence of the House in the passage of the bill.

The hour having arrived to which the announcement of the vote on House Bill No. 172—"A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of Mc-

Dowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

Was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Saver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coleman, Cosner, Cox, Fitch, Godfrey, Grove, Hale, Harvey, John, Kuykendall, Neale (of Cabell), Summers, Taylor and Williams (of Pleasants)—16.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 172) takes effect from its passage.

Ordered, That Mr. Anderson Communicate to the Senate the passage of the bill and request concurrence therein.

The hour having arrived to which the announcement of the vote on

House Bill No. 221—"A Bill to amend and re-enact section twenty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."

Was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras,

Howard, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coleman, Cosner, Cox, Fitch, Fortney (of Preston), Godfrey, Grove, Hale, Harvey, John, Kuykendall, Neale (of Cabell), Sturm, Taylor, Vanmeter and Williams (of Pleasants)—18.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 221) takes effect from its passage.

Ordered, That Mr. Lester communicate to the Senate the passage of the bill and request concurrence therein.

The point of order raised by Mr. Thurmond, on yesterday, that the substitution of

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION No. 9.

Resolved, By the House of Delegates, the Senate concurring, that the offer of settlement of the judgment of Virginia vs. West Virginia made by the Virginia debt commission be, and the same is hereby referred to the committees on the subject of the Virginia debt of the respective Houses, and they are hereby directed to consider House Bill No. 301 this day introduced in the House providing for the payment of the judgment of the supreme court of the United States in the case of the state of Virginia vs. State of West Virginia, and providing for the payment of the cash payment and the issuance and delivery of the bonds necessary to carry out the terms of such offer; and be it further

Resolved, That the Hon. Randolph Harrison, counsel for the Virginia debt commission, be invited to meet with the standing committees on Virginia debt of the two Houses during the consideration of House Bill No. 301 for the purpose of offering any suggestions by way of amendment to said bill which said committees may choose to adopt.

Offered by Mr. Moore, left the "Substitute Resolution" pending, and in order to adopt the same, a vote was necessary.

Which point of order, the Chair, after consideration, held well taken.

Whereupon,

A vote was taken, and the substitute resolution (Substitute for House Concurrent Resolution No. 9) was adopted.

On motion of Mr. Hays, the Journal of February 13th, on page thirty-five, wherein he is recorded as "absent and not voting" is ordered corrected to show him as voting "aye."

House Bill No. 171—"A Bill to amend and re-enact section seventy, eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine), seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."

On third reading, coming up in regular order for consideration, was read a third time.

Unanimous consent being given, on motion of Mr. Bray, the bill was amended on page one, lines two and three, by striking out the following: "eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven)."

The bill, as amended, was then passed.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—78.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Coleman, Cosner, Cox, Godfrey, Hale,

Harvey, John, Kuykendall, Miller, Neale (of Cabell), Taylor, Vanmeter and Williams (of Pleasants)—15.

On the motion of Mr. Bray, the title was amended by striking out the following: "eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven)."

Ordered, That Mr. Hackney communicate to the Senate the passage of the bill (H. B. No. 171) and ask concurrence therein.

Unanimous consent being given, on motion of Mr. Sarver,

Senate Bill No. 45—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

On first reading, was taken up out of its regular order for immediate consideration and read a first time.

On the further motion of the same gentleman, reference of the bill (S. B. No. 45) to a committee was dispensed with, and ordered to its second reading.

On motion of Mr. Scott, leave of absence was granted to Mr. Cunningham, for one day.

SENATE JOINT RESOLUTION NO. 15.

"Proposing an amendment to the Constitution of this State."

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the following amendment to the Constitution of this State be, and the same is hereby agreed to, to-wit:

The legislature shall make provision by law for a system of state roads and highways connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing or maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time shall not exceed fifty million dollars.

When a bond issue as aforesaid is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

On third reading, coming up in regular order for consideration, was read a third time and

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thomas, Thurmond, Twyman, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—71.

The noes were:

Messrs. Hackney and Pettigrew—2.

Absent and not voting:

Messrs. Bannister, Bland, Coberly, Coleman, Cosner, Cox, Cunningham, Ferguson, Hale, Hamilton, Harvey, John, Jones, Lester, Miller, Neale (of Cabell), Taylor, Vaughn, Vanmeter and Williams (of Pleasants)—20.

So, two-thirds of the members elected to the House of Delegates having voted in the affirmative, the resolution was adopted.

Ordered, That Mr. Swisher communicate to the Senate the concurrence of the House in the adoption of the resolution (S. J. R. No. 15).

House Bill No. 258—"A Bill to amend and re-enact sections fifty-a, twenty-eight-b-one, fifty-b-twenty-eight-b-two, fifty-h-twenty-eight-b-eight, fifty-1-twenty-eight-b-twelve, fifty-yy-twenty-eight-b twenty-nine of chapter three of Hogg's code of West Virginia, relating to primaries and convention nominations, and providing for the ascertainment and publication of the results thereof."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Brand, Brammer, Byrnes, Capehart, Cuppett, Fortney (of Preston), Grove, Hersman, Hickman, Hilleary, Kern, Kuykendall, Lester, Mahan, Moore, Moran, Morris, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Nutter, Otto, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Swisher, Thomas, Thurmond, Twyman, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—42.

The noes were:

Messrs. Blackhurst, Blizzard, Calhoun, Clements, Coberly, Ferguson, Fitch, Fortney, (of Harrison) Hackney, Hall, Hays, Hendricks, Hobbs, Houvouras, Howard, Lantz, Mollohan, Moulds, McPherson, Neal (of Webster), O'Connor, Peck, Pedigo, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, and Vaughn—31.

Absent and not voting:

Messrs. Bannister, Bland, Bray, Coleman, Coon, Cosner, Cox, Cunningham, Godfrey, Hale, Hamilton, Harvey, John, Jones, Miller, Neale (of Cabell), Summers, Taylor, Vanmeter and Williams (of Pleasants)—20.

Ordered, That Mr. Richards communicate to the Senate the passage of the bill (H. B. No. 258) and ask concurrence therein.

Senate Bill No. 127—"A Bill to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 238—"A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or district of Columbia or any foreign country authorized under the laws of this state to hold property or to transact business in this state from prosecuting suits or actions, either now pending or hereafter instituted against like corporations in any court of any other state or territory of the United States or District of Columbia or any foreign country when the cause of such suit or action arose in the State of West Virginia, or when such suit or action involves the title to, or possession or right of possession of real estate situate in the State of West Virginia; providing penalties for the violation of this act, and providing for injunction to inhibit the prosecution of such suits."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 173—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six-a requiring patrolment to account for road materials, tools and implements belonging to thier districts."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 275—"A Bill for the construction and repair of roads and bridges on the line between or connecting incorporated cities, towns and villages, within the same county."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

On first reading, coming up for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 114—"A Bill to amend and re-enact chapter fifteen-j, Barnes' code of one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a state board of childrens' guardians and to define its duties."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Kern, severally made, the bill was amended on page nine, section seven, line six, by inserting after the word "circuit" the word "criminal"; and on page four, line twenty-six, by inserting after the words "common pleas" the word "criminal".

The bill, as amended, was then ordered to its third reading.

House Bill No. 248—"A Bill to amend and re-enact section thirty-nine of chapter twenty-nine of the code, relating to the assessment of taxes upon oil and gas interests, and the method of collecting the same."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 6—"A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. McClintic, severally made, the bill was amended on page four, line ten, by striking out the following: "but no jury commissioner who shall have served four years shall be eligible to reappointment unless there has been an intervening

period of four years between his former service and the time of his appointment;" and on same page, in line twenty-one, by striking out the word "two" and inserting in lieu thereof the word "four."

The bill, as amended, was then ordered to its third reading.

Unanimous consent being given, on motion of Mr. Kuykendall,

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On second reading, was taken up out of its regular order for immediate consideration, read a second time, and ordered to its engrossment and third reading.

Senate Bill No. 88—"A Bill for the prevention of blindness from ophthalmia neonatorum."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Mr. Stover asked unanimous consent to take up, out of its regular order, for immediate consideration

Senate Bill No. 30—"A Bill relating to the salaries of county officers."

On first reading,

Which was not given, Mr. Twyman objecting.

House Bill No. 134—"A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 229—"A Bill relating to mothers' pensions."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. McClintic, the bill was amended on page one, line twelve, by inserting after the word "five" the word "dollars."

The bill, as amended, was then ordered to its engrossment and third reading.

Senate Bill No. 149—"A Bill authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public moneys; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Pettigrew, reference of the bill to a committee was dispensed with, and ordered to its second reading.

Unanimous consent being given, Mr. Moran introduced the following bill, on motion for leave, which was read by its title:

House Bill No. 302—"A Bill to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act."

On motion of the same gentleman, reference of the bill to a committee was dispensed with, and ordered to its first reading.

House Bill No. 212—"A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred and forty-two-a of Hogg's code, providing for the establishment and location of a miners hospital in the town of Mullens, Wyoming county, which shall be known as Mullens hospital number four."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Bray moved to amend the bill by striking out the enacting clause.

Pending which,

On motion of Mr. Wysong, the bill was amended on page four, by adding at the end thereof the following: "provided a free site is furnished by the town of Mullens."

On motion of Mr. Moran, the bill was amended on page four, in lines five and six, by striking out the following: "acquire by purchase needed and suitable grounds for said hospital."

Whereupon,

Mr. Bray withdrew his motion to strike out the enacting clause, and

The bill (H. B. No. 212), as amended, was then ordered to its engrossment and third reading.

On motion of Mr. McClintic, the Rules of the House were amended on page fifty, rule ten, by striking out the words, "but no bill excepting appropriation bills and bills of an emergency nature shall be considered after the fortieth day of the session."

On motion of Mr. Neal (of Webster) the House recessed until 2 o'clock, P. M.

period of four years between his former service and the time of his appointment;" and on same page, in line twenty-one, by striking out the word "two" and inserting in lieu thereof the word "four."

The bill, as amended, was then ordered to its third reading.

Unanimous consent being given, on motion of Mr. Kuykendall,

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On second reading, was taken up out of its regular order for immediate consideration, read a second time, and ordered to its engrossment and third reading.

Senate Bill No. 88—"A Bill for the prevention of blindness from ophthalmia neonatorum."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Mr. Stover asked unanimous consent to take up, out of its regular order, for immediate consideration

Senate Bill No. 30—"A Bill relating to the salaries of county officers."

On first reading,

Which was not given, Mr. Twyman objecting.

House Bill No. 134—"A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 229—"A Bill relating to mothers' pensions."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. McClintic, the bill was amended on page one, line twelve, by inserting after the word "five" the word "dollars."

The bill, as amended, was then ordered to its engrossment and third reading.

Senate Bill No. 149—"A Bill authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public moneys; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Pettigrew, reference of the bill to a committee was dispensed with, and ordered to its second reading.

Unanimous consent being given, Mr. Moran introduced the following bill, on motion for leave, which was read by its title:

House Bill No. 302—"A Bill to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act."

On motion of the same gentleman, reference of the bill to a committee was dispensed with, and ordered to its first reading.

House Bill No. 212—"A Bill to amend chapter fifteen-h of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-a, serial section five hundred and forty-two-a of Hogg's code, providing for the establishment and location of a miners hospital in the town of Mullens, Wyoming county, which shall be known as Mullens hospital number four."

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Bray moved to amend the bill by striking out the enacting clause.

Pending which,

On motion of Mr. Wyson, the bill was amended on page four, by adding at the end thereof the following: "provided a free site is furnished by the town of Mullens."

On motion of Mr. Moran, the bill was amended on page four, in lines five and six, by striking out the following: "acquire by purchase needed and suitable grounds for said hospital."

Whereupon,

Mr. Bray withdrew his motion to strike out the enacting clause, and

The bill (H. B. No. 212), as amended, was then ordered to its engrossment and third reading.

On motion of Mr. McClintic, the Rules of the House were amended on page fifty, rule ten, by striking out the words, "but no bill excepting appropriation bills and bills of an emergency nature shall be considered after the fortieth day of the session."

On motion of Mr. Neal (of Webster) the House recessed until 2 o'clock, P. M.

school term in the elementary grades of graded schools conducted in connection with normal training high schools."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Senate Bill No. 197—"A Bill to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code, one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Senate Bill No. 169—"A Bill to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of chapter fifteen-j, relative to the prevention of cruelty to animals, to become sections fourteen-a, fourteen-b, fourteen-c, fourteen-d, fourteen-e, fourteen-f and fourteen-g of chapter one hundred and forty-nine, Barnes' code of one thousand nine hundred and eighteen."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Senate Bill No. 94—"A Bill to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia. Barnes' edition one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 134—"A Bill to amend and re-enact sub-section two of section one; sub-section five of section one; section two, section six, all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen, and to add to said chapter section three-a and section six-a, all relating to the public health."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Moran, reference of the bill to a committee was dispensed with and the bill ordered to its second reading

Senate Bill No. 176—"A Bill relating to showing or exhibiting

any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races."

On first reading coming up in regular order for consideration, was read a first time.

On motion of Mr. Nutter, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

House Bill No. 288—"A Bill to amend and re-enact section six, of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

A message from the Senate by Mr. Harmer, announced the concurrence by that body in the passage of

House Bill No. 148—"A Bill to amend and re-enact chapter one hundred and thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five of the acts of one thousand nine hundred and seventeen."

On motion of Mr. McClintic, the rules were suspended and

Senate Bill No. 237—"A Bill to authorize the county court of Taylor county to appropriate and expend annually, public monies in connection with the observance of public memorial services on the thirtieth day of May, each year, at the United States national cemetery at the city of Grafton."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coberly, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hays, Hendricks, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Mahan, Mollohan,

Moran, Morris, Moulds, Musser, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Sturm, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—56.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Ferguson, Godfrey, Grove, Hale, Harvey, Hersman, Hickman, Hilleary, John, Lester, Miller, Moore, McCauley, McClaren, McVey, Neale (of Cabell), Pedigo, Rouss, Scott, Stover, Summers, Swisher, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—37.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coberly, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hall, Hamilton, Hays, Hendricks, Hobbs, Houvouras, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Swisher, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—60.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Godfrey, Grove, Hale, Harvey, Hersman, Hickman, Hilleary, Kuykendall, Lester, Moore, McCauley, McPherson, McVey, Neale (of Cabell), Parsons, Rouss, Stover, Summers, Taylor, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—33.

Mr. McClintic moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coberly, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Swisher, Twyman, Vaughn, Weiss, Wyson and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Grove, Hale, Hall, Harvey, Lester, Moore, McVey, Neale (of Cabell), Parsons, Rouss, Stover, Summers, Taylor, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—28.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 237) takes effect from its passage.

Ordered, That Mr. Vaughn communicate to the Senate the concurrence of the House of Delegates in the passage of the bill.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(H. B. No. 177)—An Act to amend and re-enact sections three, four, five, nine, ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts and known as the "Charter of the City of Charleston," and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, ninety-nine, one hundred, one hundred and one and one hundred and two, all relating to and becoming a part of the charter of the city of Charleston.

And,

(S. B. No. 178)—An Act to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the fifteenth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 177)—An Act to amend and re-enact sections three, four, five, nine ten, eleven, thirteen, fourteen, fifteen, thirty-five, thirty-six, fifty-one, seventy-five, eighty-eight and ninety-three of chapter one of the acts of the legislature of one thousand nine hundred and fifteen and bound in a volume of municipal charters of such acts and known as the "Charter of the City of Charleston," and to add sections ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight, ninety-nine, one hundred, one hundred and one and one hundred and two, all relating to and becoming a part of the charter of the city of Charleston.

And,

(S. B. No. 178)—An Act to encourage the breeding of horses, the

establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Senate Bill No. 99—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty- even, thirty-nine and sixty-four, as amended by chapter thirty-nine, acts of one thousand nine hundred and seventeen, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty, and adding sections forty and one hundred and twenty-a, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

A message from the Senate by Mr. Stewart, announced that the Senate had concurred in the House amendments to

Senate Bill No. 222—"A Bill to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve-a, one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundre and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two and one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen entitled, 'An act to amend and re-enact chapter eleven of the

acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act; and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-*a*, nineteen-*b*, nineteen-*c*, nineteen-*d*, nineteen-*e*, nineteen-*f*, nineteen-*g*, nineteen-*h*, nineteen-*i*, nineteen-*j*, eighty-*a*, eighty-*b*, ninety-*a*, one hundred and seven-*a*, one hundred and nine-*a*, one hundred and fifteen-*a*, one hundred and forty-nine-*a*, one hundred and fifty-eight-*a*, one hundred and fifty-eight-*b*, one hundred and fifty-nine-*a* and one hundred and fifty-nine-*b*, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen."

Senate Bill No. 129—"A Bill to amend and re-enact sections three and four of chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one, as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors; and to further amend said chapter thirty-two-*a* of Barnes' code of West Virginia one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-*a*, thirty-one-*b*, thirty-seven and thirty-eight, inclusive, as parts of said chapter thirty-two-*a*, Barnes' code of West Virginia, one thousand nine hundred

and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. John reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Unanimous consent being given,

Mr. McClintic offered the following resolution:

HOUSE JOINT RESOLUTION No. 14.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to E. Vernon Fortney, of Kingwood, Preston county, West Virginia, a license to practice law in the courts of said state."

WHEREAS, E. Vernon Fortney, of Kingwood, West Virginia, is shown to be a gentleman of good moral character, over twenty-one years of age and a citizen of said state, having resided therein all of his life; and

WHEREAS, It is well recognized that the said E. Vernon Fortney has the qualifications of an able lawyer, is thirty-eight years of age, and because of his age and of the fact of his duties as court reporter, he is unable to attend the State university, and

WHEREAS, The said E. Vernon Fortney has served as such court reporter for the past six years in the courts of Taylor and Preston counties, and has been a student and reader of law, as well as having actual practice in justices' courts, and,

WHEREAS, The said E. Vernon Fortney has the endorsement of a number of lawyers and business men who know of his ability; therefore, be it

Resolved, By the legislature of West Virginia, the Senate and the House of Delegates both concurring therein, That the supreme court of appeals of West Virginia be requested to issue to the said E. Vernon Fortney, a license to practice law in all the courts of said state.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Coberly, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Hackney, Hall, Hamilton, Hays, Hendricks, Hersman,

Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—62.

The noes were:

Messrs. Kuykendall and Lantz—2.

Absent and not voting:

Messrs. Anderson, Bannister, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Fortney (of Preston), Godfrey, Grove, Hale, Harvey, Hickman, Lester, Moran, McVey, Neale (of Cabell), Parsons, Rouss, Summers, Swisher, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—29.

So, a majority of those present and voting having voted in the affirmative, the resolution (H. J. R. No. 14) was adopted.

Ordered, That Mr. McClintic communicate to the Senate the passage of the resolution (H. J. R. No. 14), and ask concurrence therein.

A message from the Senate by Mr. Luther, announced the concurrence by that body in the passage of

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.

Unanimous consent being given,

On motion of Mr. Hays,

HOUSE JOINT RESOLUTION No. 10.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to M. W. Hefner of Burnsville, West Virginia, a license to practice law in the courts of said state."

WHEREAS, M. W. Hefner of Burnsville, West Virginia, is known and recognized to be a gentleman of good moral character and over twenty-one years of age, and a citizen of said state, having resided at Burnsville, in said state all of his life, and

WHEREAS, The said M. W. Hefner has practiced law before justices of the peace for a period of thirty years in his own county

and the counties of Gilmer and Lewis as well as to have been sponsor of cases that have gone through all the courts of the state, and is recognized as being a lawyer of at least average ability, though he does not have the educational requirements that would permit him to pass the bar examination as prescribed by the faculty of the West Virginia law school of the university of said state, and having arrived at an age and being at the head of a family that demands his attention and care, it would be unwise for him at this time to spend a long term in school compiling the phrases and text-book definitions necessary to pass the examination, and

WHEREAS, The said M. W. Hefner is recognized as having sufficient general knowledge of the law as well as splendid ability to practically apply the law in the trial of cases, and is known and recognized as a good trial lawyer; therefore, be it

Resolved, by the legislature of West Virginia, the Senate and House of Delegates both concurring therein, That the supreme court of appeals of West Virginia be requested to issue to the said M. W. Hefner a license to practice law in the courts of this state.

Was taken up for immediate consideration and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Bray, Byrnes, Calhoun, Coberly, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Mahan, Moore, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—54.

The noes were:

Messrs. Brand, Hamilton, Kuykendall, Lantz and Scott—5.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Fortney (of Preston), Grove, Hale, Harvey, Howard, Lester, Miller, Mollohan, Moran, McCauley, McClintic, McVey, Neale (of Cabell), Parsons, Richards, Rouss, Summers, Swisher, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—34.

So, a majority of those present and voting having voted in the affirmative, the resolution (H. J. R. No. 10) was adopted.

Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—62.

The noes were:

Messrs. Kuykendall and Lantz—2.

Absent and not voting:

Messrs. Anderson, Bannister, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Fortney (of Preston), Godfrey, Grove, Hale, Harvey, Hickman, Lester, Moran, McVey, Neale (of Cabell), Parsons, Rouss, Summers, Swisher, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—29.

So, a majority of those present and voting having voted in the affirmative, the resolution (H. J. R. No. 14) was adopted.

Ordered, That Mr. McClintic communicate to the Senate the passage of the resolution (H. J. R. No. 14), and ask concurrence therein.

A message from the Senate by Mr. Luther, announced the concurrence by that body in the passage of

House Bill No. 200—"A Bill to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.

Unanimous consent being given,

On motion of Mr. Hays,

HOUSE JOINT RESOLUTION NO. 10.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to M. W. Hefner of Burnsville, West Virginia, a license to practice law in the courts of said state."

WHEREAS, M. W. Hefner of Burnsville, West Virginia, is known and recognized to be a gentleman of good moral character and over twenty-one years of age, and a citizen of said state, having resided at Burnsville, in said state all of his life, and

WHEREAS, The said M. W. Hefner has practiced law before justices of the peace for a period of thirty years in his own county

and the counties of Gilmer and Lewis as well as to have been sponsor of cases that have gone through all the courts of the state, and is recognized as being a lawyer of at least average ability, though he does not have the educational requirements that would permit him to pass the bar examination as prescribed by the faculty of the West Virginia law school of the university of said state, and having arrived at an age and being at the head of a family that demands his attention and care, it would be unwise for him at this time to spend a long term in school compiling the phrases and text-book definitions necessary to pass the examination, and

WHEREAS, The said M. W. Hefner is recognized as having sufficient general knowledge of the law as well as splendid ability to practically apply the law in the trial of cases, and is known and recognized as a good trial lawyer; therefore, be it

Resolved, by the legislature of West Virginia, the Senate and House of Delegates both concurring therein, That the supreme court of appeals of West Virginia be requested to issue to the said M. W. Hefner a license to practice law in the courts of this state.

Was taken up for immediate consideration and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Bray, Byrnes, Calhoun, Coberly, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Mahan, Moore, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—54.

The noes were:

Messrs. Brand, Hamilton, Kuykendall, Lantz and Scott—5.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Capehart, Clements, Coleman, Coon, Cosner, Cox, Cunningham, Fortney (of Preston), Grove, Hale, Harvey, Howard, Lester, Miller, Mollohan, Moran, McCauley, McClintic, McVey, Neale (of Cabell), Parsons, Richards, Rouss, Summers, Swisher, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—34.

So, a majority of those present and voting having voted in the affirmative, the resolution (H. J. R. No. 10) was adopted.

Ordered, That Mr. Hays communicate to the Senate the adoption of the resolution (H. J. R. No. 10) and ask concurrence therein.

The following communication was received from the Governor, and was read by the Clerk:

CHALESTON, FEBRUARY 15, 1919.

To the Members of the House of Delegates:

I have today approved the following enrolled bills:

House Bill No. 6—An Act relating to the keeping of court records.

House Bill No. 55—An Act relating to the issue of executions on judgments.

House Bill No. 60—An Act relating to fees of officers.

Respectfully,

J. J. CORNWELL, *Governor*.

A message from the Senate by Mr. Fox, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 3—"Providing for the preservation of a list of names of West Virginia soldiers and sailors who served during the late war with Germany."

WHEREAS, In the successful prosecution of the recent war against Germany, for the maintenance of civilization, more than sixty thousand brave and courageous men of West Virginia—the flower of our manhood—entered the military service of the nation, prepared to give their lives, if necessary, on land and sea that freedom might live and the national honor of our government upheld; and,

WHEREAS, It is the duty of the state of West Virginia to forever preserve the names of those loyal and patriotic sons who were in the service, and those who made the supreme sacrifice in the camps and cantonments, on the sea and on the soils of our allies; and,

WHEREAS, It has been shown by past experience that unless these records are compiled without delay they are never made available, as has been demonstrated in previous wars in which our state and nation have engaged; therefore, be it

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

First: That a complete compilation of the records, by counties, be made, showing the names and addresses of all West Virginia soldiers and sailors who participated in the war with Germany, or who were in the military service during that period.

Second: That a complete compilation be made of the names of all West Virginia soldiers and sailors who died or were killed or injured in that war.

Be it further resolved, That the compilation thus prepared be pub-

lished in an edition of the "West Virginia Legislative Hand Book and Manual and Official Register," and that the expenses of such compilation be paid from an appropriation to be hereafter made.

And asked concurrence of the House therein.

Senate Bill No. 30—"A Bill relating to the salaries of county officers."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Moore, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

House Bill No. 53—"A Bill to provide for the education and maintenance of indigent children."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 167—"A Bill to amend and re-enact section forty-nine of chapter fifty-three of the code."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Weiss, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Senate Bill No. 95—"A Bill to amend and re-enact section thirty-three of chapter forty-six-a of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 56—"A Bill to amend and re-enact chapter forty-six-a of Barnes' code of West Virginia, of one thousand nine hundred and sixteen, relating to the care and disposition of delinquent children."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Pettigrew, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

House Bill No. 215—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the compensation of grand and petit jurors."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

On motion of Mr. Howard,

Senate Bill No. 116—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

Was laid on the table.

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 24—"A Bill to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to care and preservation of state and county archives."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Twyman, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Senate Bill No. 27—"A Bill amending and re-enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five-a."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 62—"A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 281—"A Bill amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."

On first reading, coming up in regular order for consideration, was a first time and ordered to its second reading.

A message from the Senate by Mr. Coalter, announced that the Senate had amended and passed as amended

House Bill No. 145—"A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter

nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

And asked the concurrence of the House therein.

Unanimous consent being given,

On motion of Mr. Hersman the rules were suspended and

Senate Bill No. 48—"A Bill to amend and re-enact chapter thirty-six of the acts of one thousand nine hundred and fifteen, relating to the examination and testing of seeds sold in West Virginia for agricultural purposes, requiring labeling of said seeds and providing penalty for violation thereof."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Byrnes, Calhoun, Coberly, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Hackney, Hall, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—59.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Bray, Capehart, Clements, Coleman, Cosner, Cox, Cunningham, Fortney (of Preston), Godfrey, Grove, Hale, Hamilton, Harvey, Hickman, Kern, Lester, Miller, McVey, Neale (of Cabell), Parsons, Pedigo, Richards, Scott, Summers, Swisher, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio), and Williams (of Pleasants)—34.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly

read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hays, Hendricks, Hersman, Hilleray, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Twyman, Weiss, Williams (of Ohio) and Wysong—62.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Brand, Clements, Coleman, Cosner, Cox, Cunningham, Grove, Hale, Hamilton, Harvey, Hickman, Kern, Miller, McCauley, McVey, Neale (of Cabell), Parsons, Pedigo, Richards, Summers, Swisher, Taylor, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Pleasants) and Wolfe (Speaker)—31.

Ordered, That Mr. Hersman communicate to the Senate the concurrence of the House of Delegates in passage of the bill (S. B. No. 48).

A message from the Senate by Mr. Sanders, announced that the Senate had concurred in the House amendment to

Senate Bill No. 9—"A Bill to amend and re-enact section twenty-five of chapter one hundred and thirty-one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence."

Mr. Hilleary moved that the House adjourn.

Which motion did not prevail.

Mr. Pettigrew in the chair.

A message from the Senate by Mr. Scherr, announced that the Senate had amended and passed as amended

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

And asked the concurrence of the House therein.

On motion of Mr. Nutter, the bill (H. B. No. 147) was taken up for immediate consideration.

The amendments proposed by the Senate were reported by the Clerk as follows:

In section seven, page thirteen, line one hundred and thirty, by striking out the words "telephone plant."

In section forty-four, sub-section two, on page forty-two, line thirty-five, by striking out the word "thirty" and inserting in lieu thereof the word "fifty."

On page thirteen, line one hundred and thirty, after the first word "works" insert the words "system of water works."

On page twenty-one, line twelve, by inserting after the word "vote," the words "at each voting."

On page twenty-three, section nineteen, line two, after the word "councilmen" insert the word "elected."

On page twenty-seven, by striking out lines twenty-nine, thirty, thirty-one, thirty-two, thirty-three and including the word "appeal" in line thirty-four, and inserting in lieu thereof the following: "entering into a recognizance before the mayor, with surety deemed sufficient, to appear before said court on the first day of the next term thereof, to answer for the offense wherewith he is charged and to not depart thence without leave of the court."

On page twenty-seven, line thirty-six, strike out the word "circuit" and insert in lieu thereof the word "intermediate."

On page twenty-eight, section twenty-five, line six, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page thirty-one, section thirty, line two, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page thirty-one, section thirty, line eighteen, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page thirty-five, line twenty-nine, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page forty-one, line twenty-three, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page sixty-four, line fifty-seven, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page forty-three, line two, by striking out the word "he" and inserting in lieu thereof the word "they."

On page forty-five, line thirty-eight, by striking out the word "published" and inserting in lieu thereof the words "of general circulation."

On page sixty, beginning in line one hundred and nineteen, after the word "politics," by striking out the following: "or in one newspaper, if two such newspapers be not published" and inserting in lieu thereof the words "of general circulation."

On page eighty-two, line one hundred and seventy, by striking out the word "auditor" and inserting in lieu thereof the word "treasurer."

On page eighty-six, line two hundred and forty-four, by striking out the word "board" and inserting in lieu thereof the word "council."

On page ninety-one, section fifty-seven, line two, after the word "works" by inserting the words "electric or other lighting system."

On page ninety-one, section fifty-seven, line five, after the word "works" by inserting the words "or lighting system."

On page ninety-two, line twenty-two, after the word "system" by inserting the words "and electric lighting system."

On page ninety-two, line twenty-seven, after the word "works" by inserting the words "and electric lighting system."

On page ninety-four, line nine, after the word "politics" by striking out the following: "published in said town, or in one newspaper if two such papers be not published in said town, or in one newspaper, if two such papers be not published," and inserting in lieu thereof the words "of general circulation."

On page ninety-nine, line ninety-six, by striking out the word "published."

On page ninety-nine, beginning in line ninety-seven, by striking out the following: "or in one paper in case publication cannot be had in two such papers," and inserting in lieu thereof the words "of general circulation."

On page four, line nineteen, after the word "reservation" by

inserting the words "thence with back line of said Shepherd reservation."

On page seven, by striking out line nineteen, reading as follows: "ner of the Shepherd reservation; thence with the back line of."

On page sixteen, section ten, line one, by striking out the word "Thursday" and inserting in lieu thereof the word "Tuesday."

On page eighteen, line thirty-six, by striking out the words "and shall conduct."

On page eighteen, line thirty-seven, by striking out the words "said convention."

On page thirty-five, line thirty-four, by striking out the word "received" and inserting in lieu thereof the word "receive."

On page forty, line eight, by striking out the words "to pay over to said town."

On page twenty-eight, line twelve, after the word "shall" by inserting the word "not."

On pages forty-eight and forty-nine, by striking out lines thirty-nine to fifty-one inclusive, and to and including the word "business" on line fifty-two.

On page fifty-one, beginning in line thirty-five, by striking out the words "stating that such delinquent list of the taxes uncollected for the year previous, with his oath attached thereto."

On page sixty-five, beginning in line seventy-four, by striking out the words "and interest thereon until the first day of May."

On page forty-two, line thirty-five, by striking out the word "thirty" and inserting in lieu thereof the word "fifty."

On page forty-three, line fifty-two, by striking out the word "thirty" and inserting in lieu thereof the word "fifty."

On motion of Mr. Nutter, the amendments proposed by the Senate were agreed to.

The bill, as amended, was then passed with its title.

On the passage of the bill, as amended, with its title,

The ayes were:

Messrs. Blackhurst, Blizzard, Bray, Calhoun, Capehart, Coberly, Coon, Cuppett, Fitch, Hackney, Hall, Hamilton, Hendricks, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thomas, Twyman, Weiss, Williams (of Ohio) and Wysong—58.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Brand, Brammer, Byrnes, Clements, Coleman, Cosner, Cox, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Harvey, Hays, Hersman, Hickman, Kern, McCauley, McVey, Neale (of Cabell), Parsons, Rouss, Summers, Swisher, Taylor, Thurmond, Vaughn, Vanmeter, Williams (of Pleasants) and Wolfe (Speaker)—35.

Mr. Nutter moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coon, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Mouds, Musser, McClaren, McClintic, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Twyman, Weiss, Wysong and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Brand, Clements, Coleman, Cosner, Cox, Cunningham, Fortney (of Harrison), Grove, Hale, Harvey, Hersman, Lantz, McCauley, McDermitt, McVey, Neale (of Cabell), Stover, Summers, Swisher, Taylor, Thomas, Thurmdo, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 147) takes effect from its passage

Ordered, That Mr. Hackney communicate to the Senate the concurrence of the House of Delegates in the passage of the bill as amended, to take effect from its passage

A message from the Senate by Mr. Scherr, announced the passage by that body of

Senate Bill No. 211—"A Bill authorizing the establishment of a

school teachers' retirement pension fund for the Charleston independent school district of Charleston."

And asked concurrence of the House therein.

A message from the Senate by Mr. Harmer, announced the passage by that body of

Senate Bill No. 205—"A Bill to amend and re-enact section eleven of chapter thirty-six of Barnes' code of one thousand nine hundred and sixteen, and to repeal section one hundred and fourteen of chapter sixty-six of the acts of one thousand nine hundred and seventeen, regular session."

And,

Senate Bill No. 206—"A Bill to amend and re-enact section forty-two of chapter one hundred twenty-three of the acts of the legislature, regular session of one thousand nine hundred and seventeen, and add section forty-two-a to said chapter."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Lewis, announced the passage by that body of

Senate Bill No. 236—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

And asked the concurrence of the House therein.

Unanimous consent being given,

On motion of Mr. Moran

House Bill No. 289—"A Bill to authorize and empower the state board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."

On first reading, was taken up for immediate consideration, read a first time and ordered to its second reading.

Unanimous consent being given,

On motion of Mr. Twyman, the following bill was introduced:

House Bill No. 303—"A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provision by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain, or assist in building, constructing and

Senate Bill No. 116—"A Bill to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service."

Was laid on the table.

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Senate Bill No. 24—"A Bill to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to care and preservation of state and county archives."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Twyman, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Senate Bill No. 27—"A Bill amending and re-enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five-a."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 62—"A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 281—"A Bill amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."

On first reading, coming up in regular order for consideration, was a first time and ordered to its second reading.

A message from the Senate by Mr. Coalter, announced that the Senate had amended and passed as amended

House Bill No. 145—"A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter

nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

And asked the concurrence of the House therein.

Unanimous consent being given,

On motion of Mr. Hersman the rules were suspended and

Senate Bill No. 48—"A Bill to amend and re-enact chapter thirty-six of the acts of one thousand nine hundred and fifteen, relating to the examination and testing of seeds sold in West Virginia for agricultural purposes, requiring labeling of said seeds and providing penalty for violation thereof."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Byrnes, Calhoun, Coberly, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Hackney, Hall, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—59.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Bray, Capehart, Clements, Coleman, Cosner, Cox, Cunningham, Fortney (of Preston), Godfrey, Grove, Hale, Hamilton, Harvey, Hickman, Kern, Lester, Miller, McVey, Neale (of Cabell), Parsons, Pedigo, Richards, Scott, Summers, Swisher, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio), and Williams (of Pleasants)—34.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly

read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hays, Hendricks, Hersman, Hilleray, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Twyman, Weiss, Williams (of Ohio) and Wysong—62.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Brand, Clements, Coleman, Cosner, Cox, Cunningham, Grove, Hale, Hamilton, Harvey, Hickman, Kern, Miller, McCauley, McVey, Neale (of Cabell), Parsons, Pedigo, Richards, Summers, Swisher, Taylor, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Pleasants) and Wolfe (Speaker)—31.

Ordered, That Mr. Hersman communicate to the Senate the concurrence of the House of Delegates in passage of the bill (S. B. No. 48).

A message from the Senate by Mr. Sanders, announced that the Senate had concurred in the House amendment to

Senate Bill No. 9—"A Bill to amend and re-enact section twenty-five of chapter one hundred and thirty-one of the code of West Virginia of one thousand nine hundred and thirteen as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence."

Mr. Hilleary moved that the House adjourn.

Which motion did not prevail.

Mr. Pettigrew in the chair.

A message from the Senate by Mr. Scherr, announced that the Senate had amended and passed as amended

House Bill No. 147—"A Bill to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same."

And asked the concurrence of the House therein.

On motion of Mr. Nutter, the bill (H. B. No. 147) was taken up for immediate consideration.

The amendments proposed by the Senate were reported by the Clerk as follows:

In section seven, page thirteen, line one hundred and thirty, by striking out the words "telephone plant."

In section forty-four, sub-section two, on page forty-two, line thirty-five, by striking out the word "thirty" and inserting in lieu thereof the word "fifty."

On page thirteen, line one hundred and thirty, after the first word "works" insert the words "system of water works."

On page twenty-one, line twelve, by inserting after the word "vote," the words "at each voting."

On page twenty-three, section nineteen, line two, after the word "councilmen" insert the word "elected."

On page twenty-seven, by striking out lines twenty-nine, thirty, thirty-one, thirty-two, thirty-three and including the word "appeal" in line thirty-four, and inserting in lieu thereof the following: "entering into a recognizance before the mayor, with surety deemed sufficient, to appear before said court on the first day of the next term thereof, to answer for the offense wherewith he is charged and to not depart thence without leave of the court."

On page twenty-seven, line thirty-six, strike out the word "circuit" and insert in lieu thereof the word "intermediate."

On page twenty-eight, section twenty-five, line six, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page thirty-one, section thirty, line two, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page thirty-one, section thirty, line eighteen, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page thirty-five, line twenty-nine, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page forty-one, line twenty-three, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page sixty-four, line fifty-seven, by striking out the word "clerk" and inserting in lieu thereof the word "recorder."

On page forty-three, line two, by striking out the word "he" and inserting in lieu thereof the word "they."

On page forty-five, line thirty-eight, by striking out the word "published" and inserting in lieu thereof the words "of general circulation."

On page sixty, beginning in line one hundred and nineteen, after the word "politics," by striking out the following: "or in one newspaper, if two such newspapers be not published" and inserting in lieu thereof the words "of general circulation."

On page eighty-two, line one hundred and seventy, by striking out the word "auditor" and inserting in lieu thereof the word "treasurer."

On page eighty-six, line two hundred and forty-four, by striking out the word "board" and inserting in lieu thereof the word "council."

On page ninety-one, section fifty-seven, line two, after the word "works" by inserting the words "electric or other lighting system."

On page ninety-one, section fifty-seven, line five, after the word "works" by inserting the words "or lighting system."

On page ninety-two, line twenty-two, after the word "system" by inserting the words "and electric lighting system."

On page ninety-two, line twenty-seven, after the word "works" by inserting the words "and electric lighting system."

On page ninety-four, line nine, after the word "politics" by striking out the following: "published in said town, or in one newspaper if two such papers be not published in said town, or in one newspaper, if two such papers be not published," and inserting in lieu thereof the words "of general circulation."

On page ninety-nine, line ninety-six, by striking out the word "published."

On page ninety-nine, beginning in line ninety-seven, by striking out the following: "or in one paper in case publication cannot be had in two such papers," and inserting in lieu thereof the words "of general circulation."

On page four, line nineteen, after the word "reservation" by

inserting the words "thence with back line of said Shepherd reservation."

On page seven, by striking out line nineteen, reading as follows: "ner of the Shepherd reservation; thence with the back line of."

On page sixteen, section ten, line one, by striking out the word "Thursday" and inserting in lieu thereof the word "Tuesday."

On page eighteen, line thirty-six, by striking out the words "and shall conduct."

On page eighteen, line thirty-seven, by striking out the words "said convention."

On page thirty-five, line thirty-four, by striking out the word "received" and inserting in lieu thereof the word "receive."

On page forty, line eight, by striking out the words "to pay over to said town."

On page twenty-eight, line twelve, after the word "shall" by inserting the word "not."

On pages forty-eight and forty-nine, by striking out lines thirty-nine to fifty-one inclusive, and to and including the word "business" on line fifty-two.

On page fifty-one, beginning in line thirty-five, by striking out the words "stating that such delinquent list of the taxes uncollected for the year previous, with his oath attached thereto."

On page sixty-five, beginning in line seventy-four, by striking out the words "and interest thereon until the first day of May."

On page forty-two, line thirty-five, by striking out the word "thirty" and inserting in lieu thereof the word "fifty."

On page forty-three, line fifty-two, by striking out the word "thirty" and inserting in lieu thereof the word "fifty."

On motion of Mr. Nutter, the amendments proposed by the Senate were agreed to.

The bill, as amended, was then passed with its title.

On the passage of the bill, as amended, with its title,

The ayes were:

Messrs. Blackhurst, Blizzard, Bray, Calhoun, Capehart, Coberly, Coon, Cuppett, Fitch, Hackney, Hall, Hamilton, Hendricks, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Thomas, Twyman, Weiss, Williams (of Ohio) and Wysong—58.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Brand, Brammer, Byrnes, Clements, Coleman, Cosner, Cox, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Harvey, Hays, Hersman, Hickman, Kern, McCauley, McVey, Neale (of Cabell), Parsons, Rouss, Summers, Swisher, Taylor, Thurmond, Vaughn, Vanmeter, Williams (of Pleasants) and Wolfe (Speaker)—35.

Mr. Nutter moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coon, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Mouds, Musser, McClaren, McClintic, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Sturm, Twyman, Weiss, Wysong and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Brand, Clements, Coleman, Cosner, Cox, Cunningham, Fortney (of Harrison), Grove, Hale, Harvey, Hersman, Lantz, McCauley, McDermitt, McVey, Neale (of Cabell), Stover, Summers, Swisher, Taylor, Thomas, Thurmdo, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 147) takes effect from its passage

Ordered, That Mr. Hackney communicate to the Senate the concurrence of the House of Delegates in the passage of the bill as amended, to take effect from its passage

A message from the Senate by Mr. Scherr, announced the passage by that body of

Senate Bill No. 211—"A Bill authorizing the establishment of a

school teachers' retirement pension fund for the Charleston independent school district of Charleston."

And asked concurrence of the House therein.

A message from the Senate by Mr. Harmer, announced the passage by that body of

Senate Bill No. 205—"A Bill to amend and re-enact section eleven of chapter thirty-six of Barnes' code of one thousand nine hundred and sixteen, and to repeal section one hundred and fourteen of chapter sixty-six of the acts of one thousand nine hundred and seventeen, regular session."

And,

Senate Bill No. 206—"A Bill to amend and re-enact section forty-two of chapter one hundred twenty-three of the acts of the legislature, regular session of one thousand nine hundred and seventeen, and add section forty-two-a to said chapter."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Lewis, announced the passage by that body of

Senate Bill No. 236—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

And asked the concurrence of the House therein.

Unanimous consent being given,

On motion of Mr. Moran

House Bill No. 289—"A Bill to authorize and empower the state board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."

On first reading, was taken up for immediate consideration, read a first time and ordered to its second reading.

Unanimous consent being given,

On motion of Mr. Twyman, the following bill was introduced:

House Bill No. 303—"A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provision by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain, or assist in building, constructing and

maintaining the same, and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years."

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with and the bill ordered to its first reading.

Unanimous consent being given,

On motion of Mr. Wysong,

House Bill No. 223—"A Bill to authorize the payment of the expenses of the members of county courts."

On second reading, was taken up out of its regular order for consideration, read a first time and ordered to its second reading.

On motion of Mr. McClintic, the House adjourned.

MONDAY, FEBRUARY 17, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of Saturday, February 15th,

On motion of Mr. Shaw, the further reading thereof was dispensed with.

House Bill No. 145—"A Bill to amend and re-enact section twenty of chapter one of the acts of the legislature of West Virginia, of nineteen hundred and eight, and sections four and five of chapter nine of the acts of the legislature of West Virginia, of nineteen hundred and eight."

With Senate amendments, coming up in regular order for consideration.

The amendments were reported by the Clerk, as follows:

Title amended: Beginning in line three, after the word "eight," by striking out the following: "and sections four and five of

chapter nine of the acts of the legislature of West Virginia of one thousand nine hundred and eight."

In the enacting section, line two, after the words "West Virginia" by inserting the words "of one thousand nine hundred and eight."

In section twenty, line seven, after the word "and" by striking out the word "each" and inserting in lieu thereof the words "one additional."

In section twenty, beginning in line eight, by striking out the following: "Anything in sections four and five of chapter nine of the acts of the legislature of West Virginia of one thousand nine hundred and eight to the contrary notwithstanding," and inserting in lieu thereof the words "all acts or parts of acts inconsistent with this act are hereby repealed."

Whereupon,

On motion of Mr. Cunningham the House agreed to the amendments proposed by the Senate.

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Capehart, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Mahan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—66.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bray, Calhoun, Clements, Coberly, Coleman, Cox, Ferguson, Grove, Hamilton, Houvouras, Jones, Lester, Miller, Mollohan, Moore, McClintic, Neale (of Cabell), Pedigo, Pettigrew, Taylor, Thomas, Twyman, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—27.

Ordered, That Mr. Cunningham communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 145) as amended.

Senate Bill No. 127—"A Bill to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moran, Morris, Moulds, Musser, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—74.

• The noes were:

Messrs. Hall, McCauley and Neal (of Webster)—3.

Absent and not voting:

Messrs. Anderson, Clements, Cox, Grove, Lester, Mollohan, Moore, McClaren, Neale (of Cabell), Shaw, Summers, Thomas, Thurmond, Twyman, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Swisher communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 127).

House Bill No. 238—"A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or District of Columbia or any foreign country authorized under the laws of this state to hold property or to transact business in this state from prosecuting suits or actions, either now pending or hereafter instituted against like corporations in any court of any other state or territory of the United States or District of Columbia or any foreign country when the cause of such suit or action arose in the state of West Virginia, or when such suit or action involves the title to, or possession or right of possession of real estate situate in the state of West Virginia; providing penalties

for the violation of this act, and providing for injunction to inhibit, the prosecution of such suits."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. John, severally made, the bill was amended as follows:

In line nine on page four, after the word "country", insert the words "without the consent of the defendant in writing".

At the end of line seventeen on page four, place a semicolon after the word "state", and add the following: "*provided, however, that the provisions of this act, except as to the right to an injunction as hereinafter set out, shall not apply to any such suit or action now pending unless the defendant therein shall give to the plaintiff therein notice in writing that it refuses to give such consent, and until the expiration of thirty days after each notice is so given*".

In line eighteen of page four, after the word "corporation" insert "*knowingly*", and insert in said line before the word "provisions" "*foregoing*", and after the word "act" in said line, insert "or refusing to obey any injunction awarded under section two hereof".

In line twenty, strike out "or" and insert "and".

In line twenty-one, after the word "shall" insert "if incorporated under the laws of this state".

On page five section two, in line two, after the word "suit" insert "or action".

In line five, strike out the words "having jurisdiction" and insert in lieu thereof "in which the cause of action or any part thereof involved in such suit or action arose, or in which the land or part thereof, the title to or possession or right of possession is involved in such suit or action, is situated,"

In line ten on page five, strike out all after the word "instituted", down to word "corporation" in line twelve, and insert in lieu thereof "or is being prosecuted in violation of this act "

At the end of line sixteen on page five, insert after word "state", the following: "and in addition thereto may, for a violation of such order, enter a judgment forfeiting the charter and corporate franchises, or the right to hold property and to transact business in this state of the corporation violating such order".

The bill was then ordered to its engrossment and third reading.

CHARLESTON, W. VA., February 15, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates,

Charleston, W. Va.

DEAR SIR :

I herewith transmit Senate Bill No. 238—"A Bill to provide for the submission to the voters of the state of an amendment to the constitution of the state, as follows: Amending sections twenty-two and thirty-three of article six."

This bill passed the Senate February 15th, 1919, and I respectfully request the concurrence of your honorable body therein.

Yours very truly,

JOHN T. HARRIS,

Clerk of the Senate.

On motion of Mr. John the rules were suspended and

Senate Bill No. 238—"A Bill to provide for the submission to the voters of the state of an amendment to the constitution of the state, as follows: Amending sections twenty-two and thirty-three of article six."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Otto, Peck, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—70.

The noes were:

Mr. Neal (of Webster)—1.

Absent and not voting:

Messrs. Bray, Clements, Coberly, Cox, Ferguson, Grove, Jones,

Mollohan, Moore, Neale (of Cabell), Nutter, Parsons, Pedigo, Pettigrew, Summers, Taylor, Thomas, Twyman, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—22.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—73.

The noes were:

Messrs. Morris, Neale (of Webster) and Sarver—3.

Absent and not voting:

Messrs. Bray, Clements, Cox, Grove, Hale, Kuykendall, Lester, Mollohan, Moore, McClaren, Neale (of Cabell), Nutter, Pettigrew, Thomas, Twyman, Vanmeter and Williams (of Ohio)—17.

Ordered, That Mr. John communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 238).

The following communication was received from the Senate:

CHARLESTON, W. VA.,
FEBRUARY 15, 1919.

HON. C. L. TOPPING,
Clerk of the House of Delegates:
Charleston, W. Va.

DEAR SIR:

The Senate has rejected House Bill No. 114—"A Bill to amend and re-enact section eight-*a* of chapter one hundred and fifty of Barnes' code of West Virginia of one thousand nine hundred and sixteen, relating to physicians and surgeons and examination and qualification of same, and setting forth who are deemed practitioners.

The bill is returned herewith.

Yours very truly,
JOHN T. HARRIS,
Clerk of the Senate.

House Bill No. 173—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six-*a* requiring patrolmen to account for road materials, tools and implements belonging to their districts."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 275—"A Bill for the construction and repair of roads and bridges on the line between or connecting incorporated cities, towns and villages, within the same county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

On second reading, coming up in regular order for consideration, was laid over retaining its place on the calendar because the printed bills were not on the desks of the members.

A message from the Senate by Mr. Luther, announced the passage by that body of

Senate Bill No. 233—"A Bill to authorize and empower the state

board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Montgomery, announced the passage by that body of

Senate Bill No. 150—"A Bill to amend and re-enact chapter fifty-four-c of the code of West Virginia, one thousand nine hundred and sixteen, relating to the incorporation and regulation of trust, fidelity, surety, guarantee, bonding, insurance and title companies."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Fox, announced the passage by that body of

Senate Bill No. 240—"A Bill to amend and re-enact section four of chapter one of the code of West Virginia, relating to the limits and jurisdiction of the state and acquisition of lands by the United States, and authorizing any county, magisterial district or municipality to pay for such land and present the same to the United States free of cost."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Chapman, announced the passage by that body of

Senate Bill No. 123—"A Bill to create in the department of state tax commissioner a division to be known as the 'Division of Industrial Induction.' "

And,

Senate Bill No. 212—"A Bill to amend and re-enact sections three and five of chapter sixteen of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine; and prescribing the manner of the nomination and election, the qualification, the compensation and the term of office of members of the board of education of the school district of Huntington."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Harmer, announced the passage by that body of

Senate Bill No. 239—"A Bill authorizing the board of education of Coal district, Harrison county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a high school building in what is known as Adamston, in said Coal district."

And asked the concurrence of the House therein.

Senate Bill No. 114—"A Bill to amend and re-enact chapter

fifteen-j, Barnes' code of one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a state board of childrens' guardians and to define its duties."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker).

The noes were:

None.

Absent and not voting:

Messrs. Bray, Cox, Mollohan, Moore, McPherson, Neale (of Cabell), Nutter, O'Connor, Rouss, Thomas, Twyman, Vanmeter and Williams (of Ohio)—13.

Ordered, That Mr. Hendricks communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 114).

House Bill No. 248—"A Bill to amend and re-enact section thirty-nine of chapter twenty-nine of the code, relating to the assessment of taxes upon oil and gas interests, and the method of collecting the same."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Hersman laid on the table.

Senate Bill No. 6—"A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter nintey-nine of the acts of the legislature of the year one thousand nine hundred and seventeen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McCauley, McClaren, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—76.

The noes were:

None.

Absent and not voting:

Messrs. Bray, Capehart, Cox, Ferguson, Hamilton, Hendricks, Mollohan, Moore, McClintic, McPherson, Neale (of Cabell), Nutter, Pedigo, Thomas, Twyman, Vanmeter and Williams (of Ohio)—17.

Ordered, That Mr. Sturm communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 6) as amended.

A message from the Senate by Mr. Bloch, announced the passage by that body of

Senate Bill No. 168—"A Bill to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as sixty-five-a."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Scherr, announced the passage by that body of

Senate Bill No. 227—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

Referred to the Committee on Finance.

And asked the concurrence of the House therein.

Senate Bill No. 88—"A Bill for the prevention of blindness from ophthalmia neonatorum."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—80.

The noes were:

Mr. Thurmond—1.

Absent and not voting:

Messrs. Cox, Hendricks, Hickman, Mollohan, Moore, McPherson, Neale (of Cabell), Shomo, Thomas, Twyman, Vanmeter and Williams (of Ohio)—12.

Ordered, That Mr. O'Connor communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 88).

House Bill No. 134—"A Bill to amend and re-enact sections forty-eight to sixty-one, inclusive, of chapter sixty-six of the acts of the regular session of the legislature of one thousand nine hundred and seventeen, relating to the maintenance of public roads."

On third reading, coming up in regular order for consideration, was a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Coberly, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Otto, Parsons, Peck, Pedigo, Perin,

Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—75.

The noes were:

Messrs. Blizzard and Harvey—2.

Absent and not voting:

Messrs. Capehart, Clements, Cox, Cuppett, Hersman, Hickman, Lantz, Mollohan, McPherson, Neale (of Cabell), Nutter, O'Connor, Taylor, Thomas, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Ferguson communicate to the Senate the passage of the bill (H. B. No. 134) and ask concurrence therein.

Mr. Anderson asked unanimous consent to take up

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

Which was not given, Mr. Stover objecting.

House Bill No. 229—"A Bill relating to mothers' pensions."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—72.

The noes were:

Messrs. Kuykendall, Lantz, McCauley, Neal (of Webster), Shaw, Thurmond and Twyman—7.

Absent and not voting:

Messrs. Cox, Godfrey, Hall, Hickman, Lester, Mollohan, Neale (of Cabell), Nutter, Summers, Swisher, Taylor, Thomas, Vanmeter and Williams (of Ohio)—14.

Ordered, That Mr. Starcher communicate to the Senate the passage of the bill (H. B. No. 229) and ask concurrence therein.

House Bill No. 149—"A Bill to amend and re-enact chapter sixteen, acts of one thousand nine hundred and fifteen, providing for the establishment of standard weights and measures and for the inspection and sealing of devices used for weighing and measuring commodities."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 212—"A Bill to amend chapter fifteen-*h* of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-*a*, serial section five hundred and forty-two-*a* of Hogg's code, providing for the establishment and location of a miners hospital in the town of Mullens, Wyoming county, which shall be known as Mullens hospital number four."

On third reading, coming up in regular order for consideration, was read a third time.

On motion of Mr. Fortney (of Preston) the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

House Bill No. 212—"A Bill to amend chapter fifteen-*h* of Hogg's and Barnes' code of West Virginia, relating to the protection and regulation of labor, by inserting therein, and as a part thereof, a section to be numbered eighty-three-*a*, serial section five hundred and forty-two-*a* of Hogg's code, providing for the establishment and location of a miners hospital in the town of Mullens, Wyoming county, which shall be known as Mullens hospital number four."

On third reading, pending at the time of recess,

Thereupon,

On the passage of the bill, the Clerk called the roll.

Pending the roll call, Mr. Moran moved that the announcement of the vote be postponed until 10:30 o'clock, A. M., tomorrow, Which motion did not prevail.

Whereupon,

The Clerk announced the vote, as follows:

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Coleman, Cunningham, Cuppett, Godfrey, Hale, Hilleary, Kern, Lester, Miller, Moran, Moulds, McClaren, McPherson, Neal (of Webster), Nutter, Pedigo, Richards, Sarver, Scott, Stover, Taylor, Vaughn, Weiss and Wolfe (Speaker)—29.

The noes were:

Messrs. Bland, Brammer, Bray, Byrnes, Coberly, Coon, Cosner, Ferguson, Fitch, Fortney (of Harrison), Grove, Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Mahan, Moore, Morris, Musser, McCauley, McClintic, McDermitt, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Shaw, Spangler, Sturm, Summers, Swisher, Thurmond, Twyman, Williams, (of Pleasants) and Wysong—48.

Absent and not voting:

Messrs. Blizzard, Calhoun, Capehart, Clements, Cox, Fortney (of Preston), Hickman, John, Mollohan, McVey, Neale (of Cabell), Shomo, Starcher, Thomas, Vanmeter and Williams (of Ohio)—16.

So, a majority of the members present and voting not having voted in the affirmative, the bill (H. B. No. 212) was rejected.

The following communication was received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal:

February 17, 1919.

To the members of the House of Delegates:

I have today approved House Bill No. 59, "An Act in relation to persons, firms and corporations engaged in furnishing, or required by law to furnish, natural gas for public use within this state, etc."

Respectfully

J. J. CORNWELL, *Governor*.

Pursuant to resolution adopted by the House on January 20th, the Clerk announced the appointment of O. A. Petty, as copy holder.

Unanimous consent being given, on motion of Mr. McClintic,

House Bill No. 93—"A Bill to regulate the sale of commercial feeding stuffs."

With Senate amendments, was taken up for immediate consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

On page four, section three, line twelve, after the word "registration," insert the following: "Tankage, meat meal or meat scraps cannot be sold in this state through dealers, or otherwise, except

under the regulation of government inspection of tankage, meat meal or meat scraps, and that each container shall have a prescribed label from the Bureau of Animal Industry in compliance with the act of Congress of June thirtieth, one thousand nine hundred and six."

On page nine, section eleven, line six, strike out after the word "commissioner" the following: "in the discharge of his duties in behalf of agriculture" and insert in lieu thereof the following: "Any moneys received under this act, remaining after said expenses have been paid, shall be used by the commissioner for carrying on co-operative work with the United States Bureau of Animal Industry for the eradication of tuberculosis among cattle in this state and such moneys remaining as aforesaid are hereby appropriated to the use of said purposes. Said expenses shall not exceed fifteen thousand dollars in any one fiscal year."

On page nine after section eleven insert the following:

"Sec. 12. *Provided*, That any commercial feeding stuff, manufactured and prepared from pure grain at any mill in this state and sold by the manufacturer thereof, shall not be required to be registered and tagged."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bland, Brand, Brammer, Bray, Byrnes, Coberly, Coleman, Coon, Cosner, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Grove, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Mahan, Miller, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—70.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Blizzard, Calhoun, Capehart, Clements, Cox, Cuppett, Ferguson, Fortney (of Preston), Hackney, Harvey, Hickman, John, Kuykendall, Mollohan, Moran, Neale (of Cabell), Nutter, Rouss, Thomas, Vanmeter and Williams (of Ohio)—23.

Ordered, That Mr. Parsons communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 93), as amended.

A message from the Senate, by Mr. York, announced the passage by that body of

Senate Bill No. 235—"A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, and fifty-two of chapter fourteen of the acts of the legislature, one thousand nine hundred and fifteen, incorporating the city of Williamson."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Arnold, announced the passage by that body of

Senate Bill No. 172—"A Bill to amend and re-enact all of chapter sixty-two-*b* of Barnes' code, one thousand nine hundred and sixteen, and also as amended and re-enacted by chapter forty-four of the acts of the legislature of one thousand nine hundred and seventeen, providing for the collection and analysis of samples of commercial fertilizers, providing for tags showing analysis thereof, and regulating the sale of such other materials used for manurial purposes and providing penalty for violation thereof."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Hunter, announced the concurrence of that body in the passage of

House Bill No. 181—"A Bill to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety-five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance."

A message from the Senate by Mr. Bloch, announced that the Senate had amended, and passed as amended and requested the concurrence of the House in the amendments to

House Bill No. 152—"A Bill to amend and re-enact section two of chapter twenty-one of the acts of one thousand nine hundred and fifteen (greater Wheeling charter), and approved by a majority of the voters of the city of Wheeling at an election held on the fourth Tuesday of May in the year one thousand nine hundred and fifteen."

On motion of Mr. Richards the rules were suspended and

Senate Bill No. 168—"A Bill to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as sixty-five-*a*."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Calhoun, Capehart, Clements, Cox, Grove, Hendricks, Hickman, John, Miller, Mollohan, Moran, McPherson, Neale (of Cabell), Thomas, Vanmeter and Williams (of Ohio)—19.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Calhoun, Capehart, Cox, Hamilton, Hickman, John, Mollohan, McCauley, McPherson, Neale (of Cabell), Nutter, Summers, Swisher, Thomas, Vanmeter and Williams (of Ohio)—18.

Ordered, That Mr. Richards communicate to the Senate the concurrence of the House of Delegates the passage of the bill (S. B. No. 168).

House Bill No. 193—"A Bill to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as sixty-five-a."

On second reading, coming up in regular order for consideration,

On motion of Mr. Richards, was indefinitely postponed.

Mr. Moore, Chairman of the Committee on the Judiciary, submitted the following report of said Committee, which was read by the Clerk:

Wm. E. Glasscock *et als*

vs. Impeachment

George C. Sturgiss, defendant.

Opinion and Report by Mr. Moore, Chairman House Judiciary Committee.

On the 14th day of January, 1919, divers, certain and specific charges were filed with the House of Delegates against George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, which charges were referred to the Judiciary Committee of the House of Delegates for investigation and report. Notice was given the defendant to appear and answer said charges and on the 30th day of January, 1919, at ten o'clock A. M., the day and time fixed by said notice, the defendant in person, and by his counsel, Jos. H. Gaines, Esq., Wm. G. Conley, Esq., and Clyde B. Johnson, Esq., appeared and filed his answer; said answer denied that the defendant was guilty of any unlawful act, conduct and behavior in office, constituting offenses which by right ought to be investigated by the legislature of West Virginia; the defendant also made denial of guilt in the language of the constitution and further denied any official misconduct or misbehavior in office, warranting or justifying this proceeding.

On the 31st day of January, 1919, the Judiciary Committee proceeded to hear the evidence offered by the petitioner, completing the same on February 4, 1919, and on which day the Committee proceeded to hear the evidence offered by the defendant, concluding the hearing of the evidence on Wednesday, February 12th. The case was fully argued before the Committee by counsel on Thursday, February 13th. The record here presented is voluminous and the case extraordinary.

In the beginning, our minds are directed to certain constitutional provisions and the terms "maladministration," "corruption," "high crimes" and "misdemeanors" employed therein. Article 4, Section 9, of the State Constitution provides: "Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor." Article 8, Section 16, of the same constitution further provides: "No judge during his term of office shall practice the profession of law or hold any other office, appointment, or public trust under this or any other government, and the acceptance thereof shall vacate his judicial office. Nor shall he during his continuance therein be eligible to any political office." "Maladministration means wrong administration, and includes repeated acts of removal of government section stones by a county surveyor under a claim of right to do so for purpose of rectifying the original government survey"—(*Minkler vs. State*, 14 Neb. 181.) In 61 Kans. page 205, the Court says: "The only ground or removal by impeachment is 'misdemeanor in office'

and these words, we think, are used in a parliamentary sense and mean misconduct in office. It is something which amounts to a breach of the conditions tacitly annexed to the office and includes any wrongful official act, or omission to perform an official duty." "Misconduct in office includes such acts as amount to a breach of the good faith and of the right action that are tacitly required of all officers."—(Etzler vs. Brown, 58 Fla., 221, 138 Am. St. R. 113 and cases there cited: See also Words and Phrases, 2d Series, Vol. 3, page 405.) The term "corruption," "as applied to public officers is a hard word, not always accurately understood, covering a multitude of delinquencies, great and little. But it is strictly accurate to apply it to any color of influence, of mere relation of any kind, on the administration of justice"—(Wight vs. Rindskorph, 43 Wis. 344.) Bouvier defines corruption as being sometimes against law. The term "high crimes and misdemeanors" has been defined by the United States Senate in impeachment proceedings and by various text writers under the impeachment clause of the Constitution and by Lord Mansfield in *Rex vs. Richardson*, 1 Burr, 517, as follows: "There are three sorts of offenses for which an officer or corporator may be discharged: 1. Such as have no immediate relation to his office, but are in themselves of so infamous a nature as to render the offender unfit to exercise any public franchise. 2. Such as are only against his oath, and the duty of his office as a corporator, and amount to breaches of the tacit condition annexed to his franchise or office. 3. The third sort of offense for which an officer or corporator may be displaced is of a mixed nature, as being an offense not only against the duty of his office but also a matter indictable at common law". The term "high crimes and misdemeanors" in our Constitution and in the Federal Constitution is used in a parliamentary sense and an officer can be impeached and removed from office under that provision for an offense for which he could not be indicted either under the common law or the statute law; this has been so decided by the United States Senate in every case that has come before it. Judge Archbold was impeached and removed from office by the United States Senate in 1911 for a number of offenses, no one of which was an indictable crime, but, nevertheless, the Senate decided that they were "high crimes and misdemeanors". It is charged that the defendant, while holding the office of Judge, violated Section 16, Article 8, of the Constitution, in having practiced the profession of law, and which we charge to be misconduct in office as well as a misdemeanor in office. "Practice of law" as the term is generally under-

stood, is the doing of professional services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it included legal practice and counsel, as the preparation of legal instruments and contracts by which legal rights are secured, although such matters may not be depending in the court. Words and Phrases, Vol. 6, page 5488, citing *Eley v. Miller*, 34 N. E. 836. (7 Ind. App. 529). The "practice of law" is not limited to conduct of cases in court, but includes persons acting professionally in legal formalities, negotiations or proceedings by authority of their client. Words and Phrases (2nd Ed.) Vol. 3, page 1112 citing *In re Duncan* 65, S. E. 210; 83 S. C. 186; 24 L. R. A. (N. S.) 750; 18 Anno. Cases, 657. *In re Duncan* 83 S. C. 189, opinion, the Court says: "It is too obvious for discussion that the practice of law is not limited to the conduct of cases in courts, according to the generally understood definition of the practice of law in this country, it embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts, and in addition, conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all actions taken for them in matters connected with the law." The following is the concise definition given by the Supreme Court of the United States: "Persons acting professionally in legal formalities, negotiations or proceedings by warrant or authority of their clients may be regarded as attorneys at law within the meaning of that designation as employed in this country." Suing out process and entering a plaint in a county court is in contravention of a statute prohibiting any attorney or solicitor imprisoned in a jail from suing out any writ or process of commencing or prosecuting any action or suit in any court of law or equity.—(*Matter of Flint* 1 B. & C. 254; 8 S. E. L. 109; 2 Dowl. & R. 406; 1 L. J. K. B. Ill. Note 18 Amer. Anno. Cases, page 659.)

The evidence shows first: While holding the office of judge, he prepared the first mortgage for the Morgantown and Wheeling Railway company, covering 42 pages of typewritten matter, dated July 1, 1913, conveying all the company's property to secure a bond issue of \$500,000. Second: He prepared the petitions for Morgan and Clay District bond elections, held in September, 1913, and the county court orders and the notices in relation to such elections and appeared before said county court time and again to secure the adoption of such orders by the court. He also gave his legal opinions and advice to the

board of directors of the railway company upon such matters and other matters; he also gave his legal opinion and advice as to the validity of the Morgan district bonds. Third: On August 26, 1914, he entered into a written contract with the railway company providing for a year's service as assistant to the president of the company, at a salary of \$5,000, and under that contract, he took complete charge of the Battelle district bond election to be held in the interest of the company in October, 1914, prepared the petitions to be circulated among the voters of the district and presented the name to the county court, when signed, and prepared the county court orders and notices of election and appeared before the county court repeatedly in that behalf, as he himself says, and secured action thereon by the court. All of these acts and services required the skill and training of a careful lawyer. He says he did this, not with his knowledge as a lawyer, but from the knowledge and experience he had acquired in former railroad building. We are of the opinion that it is impossible for him to separate the knowledge and skill acquired by him in the study and the practice of the law from his pretended knowledge and skill acquired by him in building railroads. Business men who have built and organized railroads, who were not lawyers, would have been compelled to seek the services of a skillful lawyer to prepare all these papers, which Judge Sturgiss admits he prepared for the railroad company, and, if Judge Sturgiss had not been a lawyer, we are of the opinion that he would have done so too. Fourth: In October, 1917, he, with his client, F. M. Lucas, appeared before the county court of Monongalia county in a proceeding in which the court was plaintiff and he and Lucas were defendants. He addressed the court in that case in his own behalf and in behalf of Lucas, filed his own answer, cross-examined several witnesses, at great length, produced on behalf of the plaintiff, and during the course of their examination in chief, took exceptions and made objections to the testimony and then placed on the witness stand C. B. Dille, a witness on behalf of the defendants, and examined him and then testified himself. He also says, upon his own examination, in that case on being questioned about the Lucas answer as to who prepared it, "The substance of it was dictated by me." Fifth: As shown by the testimony of I. G. Lazzelle, taken before us, it appears that in the case of Hall *vs.* the county court of Monongalia county, Judge Sturgiss appeared twice before the supreme court of appeals of this state and argued that case on behalf of the plaintiff. Sixth: In the case of John C. Price and others *vs.* George C. Sturgiss and ten others, known as the

Lot L. Thomas case, the defendant admits that he, with his counsel, prepared the joint answer of all the defendants and he himself consulted with them with reference to their defense and signed their names to said answer. Seventh: In the answer of Robert D. Hennen, filed March 16, 1917, in the case of Lemly *vs.* Morgantown and Wheeling railroad company, appears various and important amendments in the handwriting of Judge Sturgiss, showing clearly that he had doctored and amended that answer.

It is charged that the defendant's misconduct in the case of Lemley *vs.* the Morgantown and Wheeling railway company amounts to maladministration. After certifying in July, 1916, that he was disqualified because of interest from sitting in that case, just before August 26, 1916, he sent for the commissioners of the county court and asked them to consent to his appointment as special receiver in that case under an order or decree which he presented to them and which has been exhibited to the committee with his own endorsements and interlineations therein, said decree providing for the issuance of \$100,000 of receiver's certificates and as much more as the court might thereafter order, and that the special receiver (who was to be himself) should receive as compensation ten per cent (of the amount) of all the certificates which might be so issued, which, according to the statements of Commissioners Price and Bowlby, would have netted Sturgiss, according to his plans, the sum of \$30,000 and as much more as he, through the influence of his office, might be able to secure. The county court turned down his proposition and he then persuaded the plaintiffs, Lemly and others, that their interests would be better taken care of if he could qualify himself by disposing of his interests in the railway company, which he proceeded to do. He then pretended to give away his stock in the company which the evidence indicates is held in the name of his sister-in-law. At that time, he owned \$6,000 par value of the railway company's bonds. These, by leading the plaintiffs to believe he could and would take care of the plaintiffs' interests and that the road would be extended and rehabilitated, they were persuaded by him to buy; but, at that time, he only sold \$5,000 of said bonds and for which it appears the plaintiffs paid him par and accrued interest, to-wit, the sum of \$5,700, while said bonds at that time had no market value and Sturgiss himself says that they had no quotable market value and that the road was insolvent; about the same time he got Sutton to release him from personal liability upon two notes, aggregating about \$5,000, executed by him, and which were liens upon two lots formerly owned by him,

which lots had passed into the hands of the railway company, and which notes had become the obligation of the company. During this proceeding, it appears that he was holding out to the plaintiffs that he, while judge, and sitting in that case, in the event he could so qualify to sit, would take care of the plaintiffs' interests. He then proceeded to call a special session of his court to be held October 11, 1916, for the purpose of having an order entered in that case, filing his answer, wherein he swore he had no interest in the railway company, apparently to qualify himself on the record in that case to sit as judge. This was done through C. B. Dille, who qualified as special judge and entered the order of qualification of Judge Sturgiss to sit in that case. On October 13, at this same session, the special receiver, William E. Glasscock, appeared in court and filed his report as such receiver to which was attached what is known as the Eichelberger contract, and which contract it appears the special receiver, and the members of the county court and all of the plaintiffs, including all the attorneys, approved, which contract all parties in interest were exceedingly anxious to have affirmed by the court and to have carried out. This contract provided for the completion of the road by the contractor and in payment therefor he was to accept receiver's certificates. A further provision was to the effect that the special receiver was to give to the contractor, Eichelberger, an option on the franchises, maps, etc., of the railway company, extending from the village of Blacksville in Monogalia county to Elm Grove, in Ohio county. The evidence of the petitioners clearly shows that as soon as this contract came to Sturgiss's knowledge, his entire attitude toward the plaintiffs and toward the county court changed. And, without notice to Frank P. Weaver, attorney to the plaintiffs, who was then sick in bed, and without consultation with the county court or its attorneys, and without the consent or motion of any party in the case or any attorney in the cause, he disregarded the report of the receiver and entered an order of reference in the case, whereby he required his commissioner in chancery to ascertain and report the liens and their priorities on the railway company's property. In that order he attacked directly the \$145,000 of the bonds purchased from the railway company by the plaintiffs, which were then in their hands, and it further appears that Judge Sturgiss had counseled with the plaintiffs at the time of such purchase, and had advised such purchase and was a member of the board of directors of said railway company at the time of such purchase and, as such director, voted at a meeting of said board for the sale of said bonds to said plaintiffs. According to the

evidence of the petitioners and admitted by Judge Sturgiss, his attention was then called, or within a few days thereafter, to his general warranty deed, made for the two lots mentioned, then owned by the railway company, and, on the twenty-third day of October, 1916, he again certified he was disqualified to sit in the case. A few days thereafter, according to his testimony, he discovered that he had bonds of the par value of \$1,000 of the railway company. These he had failed to turn over to the plaintiffs at the time of their first purchase. It appears from the evidence that the officials of the railway company, knowing of his hostile attitude, were persuaded by him, though the bonds were practically worthless and had no market value, to buy said bonds at par and accrued interest, paying therefor \$1,170. It further appears that he was not satisfied to keep away from the railway company, and we are of the opinion he wanted to control it, for, on February 20, 1917, he presented to the county court a written proposition whereby he offered to buy its \$325,000 of railway company's bonds at forty cents on the dollar, and was then informed that the county court had an offer of fifty cents on the dollar from Manning Stires under a contract to purchase \$150,000 of receiver's certificates and to complete said road from Price, its then terminus, to Blacksville, the place provided for in the Clay district bond election. On his proposition being turned down by the county court, and on the acceptance of the Stires proposition by the county court and the approval thereof by the circuit court in the Lemly case, it appears that Judge Sturgiss became angry at the county court and proceeded to do, indirectly, what he could not do directly; he began then to charge the grand juries of the county to investigate the acts of the county court in order that he might have some excuse to remove them so that persons might be put in their places who would be subservient to his demands. At the April term, 1917, it does not appear that any charges were preferred against the commissioners of the county court, but some recommendations were made with reference to the county jail. The evidence shows that in May, 1917, Judge Sturgiss, at a meeting of the Monongalia bar, called its attention to a late statute, authorizing the county court to pay him an increase in his salary of \$1,700, and suggested that its members might present such matter to the county court for its action. George C. Baker, a member of the bar, at Judge Sturgiss's instance, prepared a petition asking for such increase, and the same was circulated and signed by all the members of the bar; a committee of four was appointed to present said petition to the county court, among them being William

E. Glasscock and Frank Cox; this they did, stating to the county court that said salary should not be increased at all unless the full increase were given. A day or so after the presentation of the petition to the county court, Judge Sturgiss handed Mr. Glasscock a proposed order, providing for such increase in his salary of \$1,700, introduced in evidence and which Governor Glasscock swears is the identical order given him by Judge Sturgiss, who asked him to present it to the county court for action thereon. Governor Glasscock agreed to do this, but could not do so immediately and handed it to Attorney Reay, who did present it to the county court. The county court entered an order allowing Judge Sturgiss an increase of \$700. About this time, or immediately thereafter, Judge Sturgiss claims to have discovered that the act allowing such increase was unconstitutional and also discovered, as he testifies, that chapter 7, section 7, of the code, gave him as circuit judge complete control of all the acts of the county court; he then proceeded at the October term, 1917, of his court to empanel a grand jury that would obey his wishes and would prefer charges against or indict the members of the county court, and in that charge to the grand jury made by Judge Sturgiss, he did two things that appear to us which stamp him as being wholly unfit to be judge in any court or hold any office of trust under this state. It appears from the evidence that he told that grand jury in effect that the county court had unlawfully and without notice sold \$325,000 of the railway company's bonds held by the court for the use of Morgan and Clay districts to Manning Stires at fifty cents on the dollar; this was an absolutely false charge and was in pursuance of Sturgiss's scheme to obtain control of the railroad. That he also instructed that grand jury that it was unlawful for the county court to make him any additional allowance in salary, told them that the \$700 allowed him by the county court was offered to him as a bribe to prevent him from taking any action toward removing said commissioners for official misconduct, and asked said grand jury to investigate the action of said county court in these and other matters and to report thereon to him. Lot L. Thomas and nine others of said grand jury, whom the evidence indicates were irregularly selected as grand jurors and with whose selection Judge Sturgiss had a great deal to do, did prefer charges and file them with said court, and a few days thereafter, Judge Sturgiss, on his own motion, summoned said commissioner before him for trial. Objection was made to his sitting in the case because of his interest and because of his hostility to the county commissioners and he was only prevented from so doing

by a writ of prohibition from the supreme court of appeals in the case of Price and others vs. Sturgiss and others (94 S. E.). The order making the writ permanent was entered by agreement of Judge Sturgiss that he would not undertake to try said commissioners on any of said charges, and upon that agreement spread upon the records of the supreme court that case was dismissed. This was in November, 1917. It further appears that no sooner had this been done than Judge Sturgiss in violation of his solemn vow of record in that case, proceeded at the January, 1918, term to have another grand jury to file new charges against the members of the county court. He immediately proceeded to try them on these charges and said judge was prevented again from trying them by writ of prohibition from the supreme court of appeals because of his personal interest in the charges and his hostility toward the county commissioners. That case was decided after a full hearing and the opinion of Judge Lynch is especially illuminating (95 S. E. 1029). Judge Sturgiss was still not satisfied, and at the April, 1918, term of this court he again asked the grand jury to file new charges against the members of the county court; he had himself summoned as a witness to go before that grand jury and he was sworn in open court as such witness and as shown by the evidence of John Shriver, the clerk who swore him, by the evidence of attorneys who saw him sworn, and by the solemn record of his own court, certified under the hand of his clerk, he went before the grand jury and talked to that grand jury at least an hour, the judge himself says from ten to fifteen minutes, but one of the members of that grand jury says at least an hour and many witness say as long as two hours. At his instance and upon his insistence, charges were again preferred against the members of the county court, which he proceeded immediately to try in face of his solemn agreement and in the face of two solemn orders of the supreme court of appeals, and in face of the fact that he was personally and financially interested in some of the things, to-wit, the building of a permanent road up Decker's creek, through property owned by Judge Sturgiss, the failure to do which was one of the charges made by said grand jurors at the instance of Judge Sturgiss; he was again prevented from trying said charges by a blanket and unprecedented order of the supreme court of appeals prohibiting him, in effect, on account of his financial interests and his hostility to the county commissioners, from trying them on any charge whatsoever or from molesting them in the discharge of their duties. (95 S. E. 1029.) In our opinion, Judge Sturgiss's conduct, as shown by these three cases, in every one of

which the supreme court found against him on the record, clearly demonstrates that he is biased, prejudiced, dishonest, and wholly unfit to sit as judge of the circuit court, and that he was guilty of misconduct in the administration of the duties of his office.

We are further of the opinion that Judge Sturgiss' effort to qualify himself to sit in the case of *Lemly vs. Morgantown and Wheeling railway company* was a plain case of corruption, if not bribery itself. Another instance of corruption by Judge Sturgiss was his effort to increase his court reporter's salary, the evidence shows that about the first day of October, 1917, Judge Sturgiss approached various members of the bar, including George C. Baker, C. William Cramer, I. G. Lazzelle, S. F. Glasscock, and his clerk, John Shriver, and asked some of them to go before the county court and ask it to appropriate money to buy books for the Monongalia Law Library Association. It appears that these members of the bar protested and told him this would be illegal. They testify to the effect that he told them that a note was given by him for some books in the association was about due, and that he was hard up; that he stated to them if the county court could not appropriate money to buy law books, that he knew what he could do, that he under the law had authority to increase the salary of his official court reporter or stenographer, and that he would increase it from \$100 a month to \$140 a month, and that the difference or increase would be used for the purchase of law books for the association. Judge Sturgiss claims that he made no statements that could be so construed, but inasmuch as the conversations took place with these witnesses at different times and places, and his subsequent action taken into consideration with respect to the subject matter, we are forced to the opinion he had the conversations testified to with the said George C. Baker, C. William Cramer, I. G. Lazzelle, S. F. Glasscock and John Shriver. Over the protest of these attorneys, within three days thereafter, Judge Sturgiss did enter an order in his court increasing the salary of his reporter to \$140, and this increase was only prevented from being paid by another writ of prohibition issued by the supreme court of appeals. After that order allowing the increase had been made, the county court summoned Judge Sturgiss and F. M. Lucas, the court reporter, to appear before it and to show cause why such increase was allowed, and upon a hearing thereof, the county court refused to pay such increase. Thereupon Lucas, at the instance of Judge Sturgiss, brought a mandamus proceeding in Judge Sturgiss's court, asking said court to compel the county court to pay the increase in salary, and, not-

withstanding Judge Sturgiss's well known direct financial interest in the matter, promptly entered an order, directing the county court to pay the increase; this was in January, 1918, the pre-emptory writ being entered January 15th; by that order, he gave the county court originally thirty days in which to appeal to the supreme court for a writ of error and supersedeas, but then struck out this thirty day provision, and two days thereafter, to-wit, on January 17, 1918, entered another order in the case giving the county commissioners until five P. M., January 19, 1918, in which to meet in special session and to make answer as to what they had done in regard to the payment of said increase in salary; in total disregard of his own order, without a word in the record as to any failure of the county court to meet, at eleven o'clock, A. M., January 19, 1918, and six hours before the time fixed, Judge Sturgiss issued a bench warrant for the arrest of all the members of the county court, and under that warrant A. W. Bowlby was arrested and kept in custody from two o'clock until he was brought into court at five o'clock in the evening. It appears from the evidence that it was well known in the city of Morgantown that something entirely different from the usual order of proceedings in a circuit court was scheduled to take place at five o'clock that evening and the court room was unusually crowded. In the presence of the crowd, the court called upon Bowlby, the only commissioner present, to state what he had done; his attorneys, ex-governor Wm. E. Glascock and Chas. A. Goodwin, stated that they would speak for him and, in respectful language to the court, as testified to by them, in which they are supported by several witnesses, they stated to the court that they had honestly advised the members of the county court not to meet in special session; and advised said commissioners that, if they did meet in special session in that case, and failed to appropriate money to pay the increase in the reporter's salary, then they would be in contempt of court, but that they had not intentionally committed any contempt but had always endeavored to obey the orders of the court; and that as soon as the court's order had been passed upon by the supreme court of appeals (they advising the court that they intended to apply for an appeal in said case), that they would advise the county court to convene and pay said orders if an appeal should be refused, or, if the supreme court should adjudge the circuit court's order valid. At this stage of the proceedings, it appears that Judge Sturgiss stated in the presence of the crowd, "Governor Glascock, you are guilty of moral treason, and Charles A. Goodwin, you are guilty of contempt with him," and immediately, over the protest of

all three, and of numerous other persons protesting in their behalf, without any sufficient warrant of law, unlawfully, deliberately and maliciously, sentenced Governor Glasscock, Charles A. Goodwin and A. W. Bowlby to pay a fine of \$25, and remanded them to jail until the further order of the court; and, after the sentence and judgment had been pronounced, he refused them bail, although tendered in large amount. We are of opinion that this order was arbitrarily entered and that the court should not have assumed jurisdiction in this cause, because of his personal spite, prejudice, bias and hostility toward the county court and because of his alleged financial interest in the matter at issue, all of which questions were raised upon the record before he entered these orders and we further find that he was deliberately guilty of arbitrary and oppressive conduct in office, an offense that has been adjudged by the United States Senate in the trial of Judge Pickering as a high crime and misdemeanor in office, and on which charge, including others, Judge Pickering was found guilty and removed from office.

It is further shown that on August 27, 1917, Judge Sturgiss, at the instance of his probation officer, caused a married woman, by the name of Mamie Bowen, who lived at Bower, West Virginia, with her husband, and who was visiting her sister in Morgantown, to be arrested without a warrant, without any written complaint, at ten o'clock at night, and to be placed in the county jail, where there were twenty some other prisoners, and, notwithstanding the repeated importunities of her attorney, William Cramer, and of Marie Cairney, an employee of the sheriff, he refused to release her and kept her confined in jail for three days and nights against all right and law. It is further shown that he has repeatedly violated the law in releasing prisoners found guilty before justices of violating the prohibition laws and who were sent by such justices to jail. In the William Bowman case, without any appeal being taken, the court, wholly without jurisdiction, released Bowman from a jail sentence, taking his recognizances and that of his wife for \$500, knowing at the time that neither of them had any property. Numerous other instances have been shown of the delinquencies of the judge, his failure to enter orders in cases, his unlawful arrests, his oppressive and arbitrary judgments, his taking the law into his own hands, his total disregard of the law, all of which conclusively show that Judge Sturgiss has been guilty of arbitrary, oppressive and unlawful conduct, while sitting as judge, and stamp him as wholly unfit to hold the office of judge.

We have searched the record in vain for some evidence to support the answer filed by the defendant, but no evidence has been introduced by him that disproves the charges discussed in this opinion. In fact, the most serious of the charges filed against Judge Sturgiss have been admitted by him. Painful as the duty is, we are compelled for the reasons assigned herein to report that the acts and conduct of George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia come within the inhibitions of the provisions of the constitution of this state hereinbefore discussed, as shown by the authorities cited defining the terms employed therein and that he has been guilty of having unlawfully practiced the profession of law during his term of office as judge of the circuit court of Monongalia county, in violation of his oath of office, maladministration, corruption, and high crimes and misdemeanors; and for which he of right should be impeached. The evidence taken upon said hearing being returned herewith.

EVERETT F. MOORE,

Chairman, House Judiciary Committee.

"We, the undersigned members of the Judiciary Committee of the House of Delegates, concur in the foregoing opinion and report.

Note—G. A. McCauley does not concur in all the recitals and conclusions contained in this report, but does concur in certain of the charges (which he will hereafter explain) sufficient, in his judgment, to justify preferment of charges to be more fully investigated and tried by the Senate.

G. W. MCCLINTIC,

J. SLOAN KUYKENDALL,

W. S. JOHN,

W. E. CUPPETT,

JAMES COBERLY,

E. VERNON FORTNEY,

G. W. MCCAULEY,

Mr. Moore moved the adoption of the report.

Pending which,

Mr. Richards, of the Committee on the Judiciary, submitted the following report of said Committee, which was read by the Clerk:

In the matter of the petition of William E. Glasscock, *et al vs.* Hon. George C. Sturgis, judge of the twenty-third judicial district of West Virginia.

To the members of the House of Delegates of the Legislature of West Virginia:

We, the undersigned members of the Judiciary Committee of the House of Delegates, having had under consideration the petition of William E. Glasscock, *et al.*, vs. Hon. George C. Sturgis, judge of the twenty-third judicial district of West Virginia, presented to the House of Delegates on the 14th day of January, 1919, and referred by said House of Delegates to the Judiciary Committee thereof, after hearing all of the evidence adduced on behalf of the petitioners, as well as that on behalf of the respondent, and the argument of counsel thereon, upon consideration of all of which we are of opinion, that, while the said Hon. George C. Sturgis repeatedly failed to exercise that fine sense of propriety which should be constantly observed by a judge, and that he committed grave judicial error in his judgments respecting certain matters and things set up in the said petition, still, upon the whole, we are unable to find sufficient evidence to warrant the preparation of particular articles of impeachment against the said Hon. George C. Sturgis, and we so report.

We file herewith, as a part hereof, a copy of the said evidence, and we respectfully request that we be relieved from further consideration of this case.

Respectfully submitted,

H. C. RICHARDS,
ALBERT J. KERN,
LUTHER C. ANDERSON,
ORVILLE HACKNEY,
T. S. NUTTER,
E. CLYDE SCOTT,
D. D. MORAN.

CHARLESTON, W. VA.,

February 17, 1919.

Mr. Richards moved that the minority report be substituted for the majority report,

Which motion the Speaker held was out of order, and

From the ruling of the Chair, Mr. Richards appealed to the House,

Pending which,

Mr. McClintic offered the following resolution:

Resolved, That the majority report this day submitted by the Committee on Judiciary in the matter of Wm. E. Glasscock and

others, petitioners, against George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, be, and the same is hereby, adopted by the House of Delegates, and be it further

Resolved, That the members of said Judiciary Committee signing said majority report be, and they are hereby, appointed for the purpose of preparing articles of impeachment against the said George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, charging him with having unlawfully practiced the profession of law during his term of office as judge of the circuit court of Monongalia county, in violation of his oath of office, maladministration, corruption, and high crimes and misdemeanors. and, be it further

Resolved, That a committee of four, members of the House of Delegates, be appointed by the Speaker to conduct the impeachment against the said George C. Sturgiss before the Senate on the part of the House of Delegates."

Whereupon,

Mr. Moore withdrew his motion to adopt the majority report.

The question recurring on the appeal of Mr. Richards from the ruling of the Chair to the House.

The Speaker called Mr. McCauley to the Chair, and

Thereupon,

The question: "Shall the ruling of the Chair stand as the judgment of the House?", and

On that question,

Mr. Neal (of Webster) demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Moore, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Weiss and Wysong—63.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Fitch, Hackney, Hale, Hall, Kern, Miller, Moran, McVey, Nutter, Petti-

grew, Richards, Scott, Shomo, Thurmond, Vaughn and Williams (of Pleasants)—20.

Absent and not voting:

Messrs. Blizzard, Cox, Hamilton, Hickman, Mollohan, Neale (of Cabell), Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—10.

Whereupon,

A majority of the members present having voted in the affirmative, the ruling of the Chair was declared the judgment of the House:

The Speaker resumed the Chair.

The question recurring on the adoption of the resolution offered by Mr. McClintic,

On motion of Mr. Twyman, the resolution offered by Mr. McClintic was made a special order for 2 o'clock, P. M., Tuesday, February 18th.

Mr. Kuykendall asked unanimous consent to take up

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On third reading, out of its regular order, for immediate consideration,

Which was not given, Mr. Stover objecting.

Senate Bill No. 151—"A Bill to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, etc., in coal mines."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

House Bill No. 77—"A Bill to amend chapter forty-three of Barnes' code of West Virginia, edition one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature one thousand nine hundred and seventeen, by adding thereto section twenty-eight-a relating to the distribution of class "a" road funds where bonds for the construction of class "a" roads have been issued by a district or districts of any county.

On third reading, coming up in regular order, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Cosner, Cunning-

ham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hayß, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Calhoun, Coon, Cox, Grove, Hickman, John, Kern, Lester, Mollohan, Neale (of Cabell), Rouss, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Wysong—18.

Ordered, That Mr. Lantz communicate to the Senate the passage of the bill (H. B. No. 77) and ask concurrence therein.

Senate Bill No. 147—"A Bill to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Neal (of Webster), the bill was amended as follows:

On page one, line one, by inserting after the word "training" the words "or class one."

On page one, line seven, by inserting after the word "training" the words "or class one."

The bill (H. B. No. 147), as amended, was then ordered to its third reading.

Senate Bill No. 197—"A Bill to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code, one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 169—"A Bill to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of chapter fifteen-j, relative to the prevention of cruelty to animals,

to become sections fourteen-*a*, fourteen-*b*, fourteen-*c*, fourteen-*d*, fourteen-*e*, fourteen-*f* and fourteen-*g* of chapter one hundred and forty-nine, Barnes' code of one thousand nine hundred and eighteen."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 94—"A Bill to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants), Wyson and Wolfe (Speaker)—69.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Blizzard, Brand, Clements, Coberly, Cosner, Cox, Grove, Hall, Hickman, Hilleary, John, Kuykendall, Mollohan, McCauley, McVey, Neale (of Cabell), Parsons, Thomas, Thurmond, Vaughn, Vanmeter and Williams (of Ohio)—24.

Ordered, That Mr. Cosner communicate to the Senate the concurrence of the House in the passage of the bill (S. B. No. 94).

Senate Bill No. 134—"A Bill to amend and re-enact sub-section two of section one; sub-section five of section one; section two, section six, all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen, and to add to said chapter section three-*a* and section six-*a*, all relating to the public health."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Howard, the bill was amended on page two,

in line seven, by striking out the word "necessary" and inserting in lieu thereof the word "actual."

The bill (S. B. No. 134), as amended, was then ordered to its third reading.

Hon. Houston G. Young, secretary of state, appeared at the bar of the House and presented the following communication proposing the following amendment and supplement to the "Budget Bill" from the board of public works, which was reported by the Clerk:

Gentlemen of the Senate and House of Delegates:

In compliance with the amendment to the constitution of the state of West Virginia ratified at the last general election, the undersigned members of the board of public works submit to your honorable bodies an amendment and supplement to the "Budget Bill", which amendment and supplement are hereto attached. The consent of your honorable bodies to receive said amendment and supplement so that the same may become a part of the "Budget Bill" is respectfully requested.

Respectfully submitted,

Dated February 17, 1919.

THE BOARD OF PUBLIC WORKS,

J. J. CORNWELL,
Governor.

HOUSTON G. YOUNG,
Secretary of State.

E. T. ENGLAND,
Attorney-General.

M. P. SHAWKEY,
Superintendent of Free Schools.

J. H. STEWART,
Commissioner of Agriculture.

Second amendment and supplement to the "Budget Bill" in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budget Amendment".

Section four, line twenty-seven, strike out all of lines twenty-seven and twenty-eight.

Section sixteen, line nine, strike out the

figures.....	"2,750.00	2,750.00"
and insert in lieu thereof.....	"3,000.00	3,000.00"

Section seventy-d-four, line six, strike out

figures.....	"3,500.00	3,500.00"
and insert in lieu thereof.....	"5,000.00	5,000.00"

Section seventy-five, line twenty-a-thirteen, strike out the word "additional".

Section seventy-five, line twenty-a-fifteen, after line twenty-a-fifteen insert the following:

"To pay additional salary of two factory inspectors May fifteen to June thirty..... 150.00"

DEPARTMENT OF SCHOOLS.

Section seventy-seven, line three, insert after line three the following: "Salary of six members of the state board of education, or of four members board of regents at \$1000.00 each,..... 6,000.00 6,000.00"

Section seventy-seven, line five, strike out all of line five and insert in lieu thereof the following:

"of Education or Regents,..... 1,500.00 1,500.00"

Section seventy-seven, line eight, strike out the word "Regents" and insert in lieu thereof "Education or Regents."

Section seventy-seven, line thirteen, insert after line thirteen the following: "Salary and expenses of two advisory members of state board of education,..... 750.00 750.00"

Section seventy-seven, line fifty-seven, insert before the word "said" the following: "the balance of the receipts for each year of."

Whereupon,

On motion of Mr. McClintic, the consent requested by the board of public works was granted, the amendment and supplement to the "Budget Bill" received, and referred to the Committee on Taxation and Finance.

Senate Bill No. 176—"A Bill relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the

Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 12)—An Act to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen codifying and embracing in one act all the general laws relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts, and municipal corporations, to provide penalties for the illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund.

Also,

(H. B. No. 52)—An Act to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries.

Also,

(H. B. No. 57)—An Act to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the seventeenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 12)—An Act to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen codifying and embracing in one act all the general laws relating to the rate and manner of laying levies for taxation in counties, magisterial districts, school districts, independent school districts, and municipal corporations, to provide penalties for the

illegal expenditures of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax-levying body, and for the creation and distribution of the general school fund.

Also,

(H. B. No. 52)—An Act to amend and re-enact sections two, three and four of chapter one hundred and fifty-seven, of the code of West Virginia, relating to grand juries.

Also,

(H. B. No. 57)—An Act to validate certain proceedings authorizing the issuance of bonds of Curry district, Putnam county, for the purpose of locating, grading, draining, paving and permanently improving or repairing the public roads of said district and to validate the sale of such bonds and authorize the sale thereof, and to provide a tax to pay the same.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 61)—An Act to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen.

Also,

(H. B. No. 104)—An Act to foster the ideals, institutions and government of West Virginia and of the United States, and to

prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitutions and laws.

And,

(H. B. No. 110)—An Act to amend and re-enact section two of chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the seventeenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 61)—An Act to amend and re-enact sections two, nine, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-three, thirty-six, thirty-seven, thirty-nine, forty-two, forty-three, forty-four, fifty-one, fifty-two and fifty-six of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen and chapter one of the acts of the extraordinary session of one thousand nine hundred and fifteen; and to repeal section thirty-eight of chapter ten of the acts of one thousand nine hundred and thirteen as amended and re-enacted by chapter nine of the acts of one thousand nine hundred and fifteen.

Also,

(H. B. No. 104)—An Act to foster the ideals, institutions and government of West Virginia and of the United States, and to prohibit the teaching of doctrines and display of flags antagonistic to the form or spirit of their constitutions and laws.

And,

(H. B. No. 110)—An Act to amend and re-enact section two of

chapter one hundred and sixteen of Barnes' code, one thousand nine hundred and sixteen, relating to exemptions from jury service.

Respectfully submitted,

W. L. POLING,
Chairman Senate Committee.

W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(H. B. No. 111)—An Act to authorize the board of education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain a clear title therefor.

Also,

(H. B. No. 125)—An Act to amend and re-enact sections six, seven, eight, ten, twelve, seventeen, twenty-four, twenty-five, sixty-three, and one hundred and thirty-two-a of chapter twenty-nine, relating to assessments and taxation.

Also,

(S. B. No. 161)—An Act to authorize the county court of the county of Marion to establish and maintain a county law library.

Also,

(S. B. No. 166)—An Act to amend and re-enact sections three, seventeen and eighteen of the live stock sanitation law of chapter thirteen of the acts of one thousand nine hundred and fifteen.

Also,

(H. B. No. 198)—An Act fixing the annual allowance to the clerks of the circuit and county courts of Morgan county.

And,

(S. B. No. 201)—An Act to authorize the state board of control to purchase, for the West Virginia industrial school for boys, additional farm lands and to pay for them out of the net earnings of

the said lands; and to enable the said board, on these lands, to carry on a general live stock business.

Respectfully submitted,
W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the seventeenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 111)—An Act to authorize the board of education of Red Sulphur district of Monroe county to lay an additional levy for the completion of a public high school building in said district, already begun but not fully completed, and to pay off an existing debt thereon, and thereby to enable said board to obtain a clear title therefor.

Also,

(H. B. No. 125)—An Act to amend and re-enact sections six, seven, eight, ten, twelve, seventeen, twenty-four, twenty-five, sixty-three, and one hundred and thirty-two-a of chapter twenty-nine, relating to assessments and taxation.

Also,

(S. B. No. 161)—An Act to authorize the county court of the county of Marion to establish and maintain a county law library.

Also,

(S. B. No. 166)—An Act to amend and re-enact sections three, seventeen and eighteen of the live stock sanitation law of chapter thirteen of the acts of one thousand nine hundred and fifteen.

Also,

(H. B. No. 198)—An Act fixing the annual allowance to the clerks of the circuit and county courts of Morgan county.

And,

(S. B. No. 201)—An Act to authorize the state board of control to purchase, for the West Virginia industrial school for boys, additional farm lands and to pay for them out of the net earnings of the

said lands; and to enable the said board, on these lands, to carry on a general live stock business.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Senate Bill No. 45—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, and to renumber the sections thereof; and to amend and re-enact sections three, four and ten of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

On second reading, coming up in regular order for consideration,

Mr. Swisher moved that the bill be made a special order for 10:30 o'clock, A. M., tomorrow.

Which motion did not prevail.

On motion of Mr. McClintic,

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Blizzard, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—77.

The noes were:

Messrs. Capehart, Hale, Lester, Mollohan, Pedigo and Williams (of Pleasants)—6.

Absent and not voting:

Messrs. Bland, Bray, Cox, Grove, Hickman, Neale (of Cabell), Summers, Thomas, Vanmeter and Williams (of Ohio)—10.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by

four-fifths of all the members present, by a vote taken by yeas and nays.

The bill was read a second time by its title.

Mr. Sarver moved to amend the bill on page five, section five, in line fifteen, by adding after the word "same" the following "provided such expenses shall not exceed five hundred (\$500) dollars in any one year"

Pending which,

Mr. Coon moved to amend the amendment by striking out the words "five hundred dollars" and inserting in lieu thereof the words "fifteen hundred dollars".

Which amendment to the amendment did not prevail.

The question recurring on the adoption of the amendment proposed by Mr. Sarver, the same was put by the Chair and did not prevail.

Mr. Sarver moved to amend the bill on page seven, section six, in line seven, by inserting after the word "salary" the following: "which shall not exceed eighteen hundred (\$1800) dollars per year."

Pending which,

Mr. Coon moved to amend the amendment, by striking out the words "eighteen hundred dollars" and inserting in lieu thereof the words "twenty-four hundred hundred dollars".

The question recurring on the adoption of the amendment proposed by Mr. Sarver, the same was put by the Chair and prevailed.

On motion of Mr. Sarver, severally made, the bill was amended as follows:

On page fourteen, section eleven-three, line seventy-four, by inserting after the word "county" the following: "at least two weeks before the beginning of school in any district in this county where such books are used".

On page eighteen, section seventeen, line thirteen, by striking out the word "state" and inserting in lieu thereof the words "general school".

On page twenty-two, section twenty-three, line twenty-seven, by striking out the word "state" and inserting in lieu thereof the words "general school".

Mr. Sarver moved to amend the bill on page twenty-five, section thirty-one, line thirty-four, by striking out the word "and" at the beginning of the line, and inserting in lieu thereof the word "or".

Which amendment did not prevail.

Pending the consideration of the amendments proposed to the bill (Senate Bill No. 45).

Mr. Wysong moved to recall from the Senate.

House Bill No. 258—"A Bill to amend and re-enact sections fifty-a, twenty-eight-b-one, fifty-b-twenty-eight-b-two, fifty-h-twenty-eight-b-eight, fifty-1-twenty-eight-b-twelve, fifty-yy-twenty-eight-b-twenty-nine of chapter three of Hogg's code of West Virginia, relating to primaries and convention nominations, and providing for the ascertainment and publication of the results thereof."

Pending which,

On motion of Mr. Weiss, the House recessed until 7:30 o'clock, P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

Unanimous consent being given, Mr. McClintic submitted the following report:

To the Senate and the House of Delegates:

Your committee on the memorial meeting for the memory of Theodore Roosevelt respectfully reports that the committees incurred the following expenses in connection therewith:

Rent of Burlew Opera House.....	\$ 25.00
Expenses of manager in connection therewith, P. F. Lyddy, manager.....	19.00
Rent of plants, Charleston Cut Flower and Plant Co.....	2.50
Total:.....	\$ 46.50

Your committees recommend that the clerk of the Senate and sergeant-at-arms of the House, each draw their warrants for one-half of the above total amount of \$46.50 upon the auditor and that such warrants be charged to the respective contingent funds of the Senate and House of Delegates.

Respectfully submitted,

HARVEY W. HARMER,

Chairman of Senate Committee.

GEO. W. MCCLINTIC,

Acting Chairman of House Committee.

On the further motion of the same gentleman, the report was taken up for immediate consideration, and adopted.

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 256—"A Bill declaring certain combinations and associations unlawful and fixing the punishment for the violation of the same."

Also,

House Bill No. 284—"A Bill to amend and re-enact sections four and six of chapter seventy-three of the code of West Virginia, relating to authentication and record of deeds and other writings."

Also,

House Bill No. 298—"A Bill to amend and re-enact section nine of chapter one hundred and fifty-five of the code of West Virginia."

And,

House Bill No. 297—"A Bill to amend and re-enact chapter seventeen of the acts of one thousand nine hundred and fifteen, amending and re-enacting chapter eleven of the acts of one thousand nine hundred and thirteen, concerning hydro-electric or other companies producing or selling hydraulic or other power; authorizing such companies to exercise the right of eminent domain, defining and regulating the powers, rights, duties and obligations of such companies, regulating the building, operation and maintenance of dams across water streams, and all structures, works and property connected or used in connection therewith; providing for the utilization of wasted electrical energy, the conservation of resources and the use of the same for the development of the industries of the state for the national defense."

And report the same back with the recommendation that they do pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Mr. Moore, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

Senate Bill No. 3—"A Bill to amend and re-enact section six of chapter seventy-two of the code of West Virginia, relating to sale under trust deeds."

And,

Senate Bill No. 103—"A Bill to repeal, amend and re-enact section thirty-eight-*a* of chapter thirty-nine of the code, providing that no member of a county court, agent of the said court or any member of an advisory committee to said court shall appoint themselves a committee for the purpose wherein they shall receive any compensation, nor shall they furnish any material and supplies to be used

in any public matter or to a contractor doing public contract work."

And report the same back with the recommendation that they do not pass.

Respectfully submitted,

E. F. MOORE, *Chairman.*

Senate Bill No. 103 having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Senate Bill No. 3 having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(H. B. No. 10)—An Act relating to pure drinking water for live stock in transit.

Also,

(H. B. No. 50)—An Act to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-*h*, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto, sections sixty-seven-*a*, sixty-seven-*c*, sixty-seven-*d*, sixty-seven-*e* and sixty-seven-*f*, relating to inspection of factories, mercantile establishments, mills or workshops.

Also,

(H. B. No. 54)—An Act to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen.

Also,

(S. B. No. 59)—An Act prescribing penalties against the unauthorized taking and use of automobiles and motor vehicles.

And,

(H. B. No. 156)—An Act to create the department of mines; to re-district the state for the purpose of mine inspection; and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen,

amending and re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven.

Respectfully submitted,

W. L. POLING,
Chairman Senate Committee.

W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the seventeenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 10.)—An Act relating to pure drinking water for live stock in transit.

Also,

(H. B. No. 50)—An Act to amend and re-enact sections six, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter fifteen-*h*, of the code of West Virginia, of one thousand nine hundred and sixteen, and to add thereto, sections sixty-seven-*a*, sixty-seven-*c*, sixty-seven-*d*, sixty-seven-*e* and sixty-seven-*f*, relating to inspection of factories, mercantile establishments, mills or workshops.

Also,

(H. B. No. 54)—An Act to amend and re-enact section nineteen of chapter one hundred and fifty-two of Barnes' code of the edition of one thousand nine hundred and eighteen.

Also,

(S. B. No. 59)—An Act prescribing penalties against the unauthorized taking and use of automobiles and motor vehicles.

Also,

(H. B. No. 156)—An Act to create the department of mines; to re-district the state for the purpose of mine inspection; and to amend and re-enact sections one, two, four, seven and nine of chapter ten of the acts of one thousand nine hundred and fifteen, amending and

re-enacting chapter seventy-eight of the acts of one thousand nine hundred and seven.

Respectfully submitted,
W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 177)—An Act fixing the annual allowance to the clerks of the county and circuit courts of Upshur and Monroe counties.

And,

(H. B. No. 197)—An Act to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of the legislature of West Virginia, creating the "Independent School District of Point Pleasant," and to change and enlarge the boundary and limits of said independent school district so as to include additional territory.

Respectfully submitted,
W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the seventeenth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 177)—An Act fixing the annual allowance to the clerks of the county and circuit courts of Upshur and Monroe counties.

Also,

(H. B. No. 197)—An Act to amend and re-enact chapter thirty-nine of the acts of one thousand eight hundred and eighty-seven of

the legislature of West Virginia, creating the "Independent School District of Point Pleasant," and to change and enlarge the boundary and limits of said independent school district so as to include additional territory.

Respectfully submitted,

W. L. POLING,

Chairman Seante Committee.

W. R. GODFREY,

Chairman House Committee.

House Bill No. 283—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

On third reading, coming up in regular order for consideration, was read a third time.

Unanimous consent being given,

On motion of Mr. McClintic, the bill was amended on page one, line two, by striking out the word "six" at the end of the line and inserting in lieu thereof the word "five".

The bill, as amended, was then passed with its title;

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Calhoun, Clements, Coberly, Coleman, Cosner, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hamilton, Harvey, Hilleary, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—59.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Bray, Byrnes, Capehart, Coon, Cox, Cunningham, Ferguson, Fortney (of Preston), Grove, Hale, Hall, Hays, Hendricks, Hersman, Hickman, Hobbs, Hovouras, John, Lester, McVey, Neale (of Cabell), Otto, Parsons, Pettigrew, Swisher, Taylor, Thomas, Thurmond, Twyman, Vanmeter and Williams (of Ohio)—34.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 283) and ask concurrence therein.

Senate Bill No. 223—"A Bill fixing an annual allowance to the clerk of the circuit court of Mercer county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Calhoun, Clements, Coberly, Coleman, Coon, Cosner, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hamilton, Harvey, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, O'Connor, Peck, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Thurmond, Weiss and Wolfe (Speaker)—52.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Bray, Byrnes, Capehart, Cox, Cunningham, Ferguson, Fortney (of Preston), Grove, Hale, Hall, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Lester, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Pedigo, Perin, Pettigrew, Scott, Swisher, Taylor, Thomas, Twyman, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—41.

Mr. Godfrey moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:15 o'clock, A. M. tomorrow.

House Bill No. 236—"A Bill relating to manner of sentencing persons to the West Virginia state penitentiary at Moundsville, and to the release of such persons; amending chapter one hundred and sixty-three of Barnes' code, one thousand nine hundred and eighteen, by adding section forty-six-a, thereto, preventing such persons so released from becoming residents of Marshall county, West Virginia, for a period of five years."

On third reading, coming up in regular order for consideration, was read a third time.

On the passage of the bill,

The ayes were:

Messrs. Calhoun, Capehart, Fortney (of Harrison), Fortney (of

Preston), Hackney, Mahan, Moore, Moulds, McClintic, Sarver, Sturm, Weiss and Wolfe (Speaker)—13.

The noes were:

Messrs. Bannister, Brammer, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Hale, Harvey, Hendricks, Howard, Kern, Kuykendall, Lantz, Miller, Mollohan, Moran, Morris, Musser, McCauley, McClaren, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Peck, Pridemore, Rankin, Richards, Rouss, Shaw, Spangler, Starcher, Stover, Summers and Taylor—40.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Bray, Byrnes, Cox, Ferguson, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Lester, McVey, Neale (of Cabell), Otto, Parsons, Pedigo, Perin, Pettigrew, Scott, Shomo, Swisher, Thomas, Thurmond, Twyman, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—40.

So, a majority of the members present and voting not having voted in the affirmative, the bill (H. B. No. 236) was rejected.

House Bill No. 291—"A Bill to authorize the board of education of Grant district, Wetzel county, to borrow or otherwise secure sufficient funds to finish construction of public school buildings in the district of Grant, Wetzel county, and to empower them to lay a special levy to provide funds for paying same with interest."

"WHEREAS, The board of education of Grant district, Wetzel county, has heretofore begun the building and construction of public school buildings in the district of Grant and,

"WHEREAS, It is necessary to at once complete the construction of said buildings to prevent severe damage to same, therefore."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Bannister, Brammer, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hendricks, Howard, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Peck, Pridemore, Rankin, Richards,

Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Weiss, Wysong and Wolfe (Speaker)—50.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Bray, Byrnes, Cox, Ferguson, Godfrey, Grove, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Lester, Moran, Moulds, McCauley, McVey, Neale (of Cabell), Otto, Parsons, Pedigo, Perin, Pettigrew, cott, Shomo, Summers, Thomas, Thurmond, Twyman, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—43.

Mr. Lantz, moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:20 o'clock A. M., tomorrow.

Senate Bill No. 162—'A Bill to amend and re-enact sections three and fourteen of chapter fourteen of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-seven, in reference to the charter of the city of Wellsburg, as amended by chapter sixty-five of the acts of one thousand eight hundred and ninety-five; chapter one hundred and forty-nine of the acts of one thousand nine hundred and one; chapters sixty-eight and sixty-nine of the acts of one thousand nine hundred and three; chapter ten of the acts of one thousand nine hundred and seven; and chapter four of the acts of one thousand nine hundred and fifteen; and chapter one hundred and sixteen of the acts of one thousand nine hundred and seventeen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bannister, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hendricks, Howard, Kern, Kuykendall, Lantz, Hahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Peck, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler,

Starcher, Stover, Sturm, Swisher, Taylor, Weiss, Wysong and Wolfe (Speaker)—53.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Coberly, Cox, Cuppett, Ferguson, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Lester, Neale (of Cabell), Otto, Parsons, Pedigo, Perin, Pettigrew, Scott, Shomo, Summers, Thomas, Thurmond, Twyman, Vaughn, Vanmeter, Williams (of Ohio), and Williams (of Pleasants)—40.

Ordered, That Mr. Mahan, communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 162).

House Bill No. 279—"A Bill to authorize the county court of the county of McDowell to establish and maintain a county law library."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Unanimous consent being given,

On motion of Mr. Moran the rules were suspended and

Senate Bill No. 235—"A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and fifty-two of chapter fourteen of the acts of the legislature, one thousand nine hundred and fifteen, incorporating the city of Williamson."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Bannister, Brammer, Capehart, Clements, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Hackney, Hale, Hamilton, Harvey, Hendricks, Howard, Kern, Lantz, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pridemore, Rankin,

Richards, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Weiss, Wysong and Wolfe (Speaker)—48.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bland, Blizzard, Brand, Bray, Byrnes, Calhoun, Coberly, Coleman, Coon, Cox, Ferguson, Fortney (of Preston), Godfrey, Grove, Hall, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Kuykendall, Lester, Mahan, Miller, Morris, Neale (of Cabell), Otto, Parsons, Pedigo, Pettigrew, Rouss, Scott, Shomo, Summers, Thomas, Thurmond, Twyman, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—45.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bannister, Brammer, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Nutter, O'Connor, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Weiss, Wysong and Wolfe (Speaker)—53.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bland, Blizzard, Brand, Bray, Byrnes, Coberly, Cosner, Cox, Ferguson, Godfrey, Grove, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, John, Jones, Lester, Mahan, Miller, McVey, Neale (of Cabell), Neal (of Webster), Otto, Parsons, Pedigo, Pettigrew, Rouss, Scott, Summers, Thomas, Thurmond, Twyman, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—40.

Ordered, That Mr. Moran communicate to the Senate the passage of the bill (S. B. No. 235).

Mr Moore in the Chair

House Bill No 294—"A Bill to amend and re-enact sections three, six, ten, eleven, sixteen, thirty, thirty-one thirty-three thirty-five thirty-six thirty-seven thirty-eight thirty-nine forty-one forty-two and fifty-two of chapter fourteen of the acts of the legislature one thousand nine hundred and fifteen incorporating the city of Williamson "

On second reading coming up in regular order for consideration was

On motion of Mr Moran indefinitely postponed

House Bill No 272—"A Bill to amend and re-enact sections three, four-*a*, thirty, forty-one, forty-seven and forty-eight of chapter eighteen of the acts of legislature of one thousand nine hundred and fifteen relating to the charter of the city of Cameron Marshall county West Virginia "

On second reading coming up in regular order for consideration was read a second time and ordered to its engrossment and third reading

Senate Bill No 198—"A Bill to create the independent school district of Church in the county of Wetzel "

On second reading coming up in regular order for consideration was read a second time and ordered to its third reading

House Bill No. 296—"A Bill fixing the salary of the assistant prosecuting attorney of Kanawha county West Virginia."

On first reading coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 300—"A Bill to create the Municipal Corporation of the city of Richwood, in the county of Nicholas, to grant a charter thereto and to annul the charter of the town of Richwood."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 249—"A Bill fixing the annual allowance to the clerk of the county court of McDowell county."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Unanimous consent being given,

On motion of Mr. Starcher,

Senate Bill No. 206—"A Bill to amend and re-enact section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session of one thousand nine hundred and seventeen, and add section forty-two-a to said chapter."

On first reading, was taken up out of its regular order for immediate consideration, read a first time, reference to a committee dispensed with and ordered to its second reading.

Senate Bill No. 213—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Wysong, reference to a committee was dispensed with, and the bill ordered to its second reading.

House Bill No. 302—"A Bill to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Senate Bill No. 195—"A Bill to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled 'An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia, entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of

the acts of one thousand nine hundred and thirteen of the legislature of West Virginia."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Swisher, reference to a committee was dispensed with, and the bill ordered to its second reading.

Senate Bill No. 211—"A Bill authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district of Charleston."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, reference to a committee was dispensed with and the bill ordered to its second reading.

Unanimous consent being given,

On motion of Mr. McClintic,

Senate Bill No. 164—"A Bill to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one and twenty-three of chapter five, of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning priymar elections."

On first reading, was taken up out of its regular order for immediate consideration, read a first time, reference to a committee dispensed with, and ordered to its second reading.

Unanimous consent being given.

On motion of Mr. McClintic,

Senate Bill No. 165—"A Bill to amend and re-enact chapter thirteen, second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state or to the United States to be absent from their voting precincts on the day of election, to vote by registered mail."

On first, reading, was taken up out of its regular order for immediate consideration, read a first time, reference to a committee dispensed with, and ordered to its second reading.

Unanimous consent being given,

On motion of Mr. Starcher,

Senate Bill No. 239—"A Bill authorizing the board of education of Coal district, Harrison county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a high school building in what is known as Adamston, in said Coal district."

On first reading, was taken up out of its regular order for immediate consideration, read a first time, reference to a committee dispensed with, and ordered to its second reading.

Unanimous consent being given, Mr. McClaren (by request), introduced the following bill, on motion for leave, which was reported by its title.

House Bill No. 304—"A Bill for the commitment to a state hospital for the insane, persons so far addicted to the use of opium or cocaine or any derivation of either, that his will to resist the desire of such drugs is substantially destroyed."

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with, and ordered to its first reading.

On motion of Mr. McClintic, the House adjourned.

TUESDAY, FEBRUARY 18, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Richards, the Journal was amended as follows:

On page eighteen, after the word "following" by striking out the word "majority."

On page thirty-one, after the word "following" by striking out the word "minority."

On motion of Mr. Swisher, on page twelve of the Journal, wherein he is recorded, on the passage of House Bill No. 229, as having voted "aye" was ordered recorded as "absent and not voting."

On motion of Mr. Perin, the further reading of the Journal was dispensed with.

The hour having arrived to which the announcement of the vote on

House Bill No. 223—"A Bill to authorize the payment of the expenses of the members of county courts."

Was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wyson and Wolfe (Speaker)—83.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Cox, Grove, Houvouras, John, Lester, Neale (of Cabell), Thomas, Twyman and Vanmeter—10.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 223) takes effect from its passage.

Ordered, That Mr. Godfrey communicate to the Senate the concurrence of the House of Delegates in the passage of the bill, to take effect from its passage.

The hour having arrived to which the announcement of the vote on

House Bill No. 291—"A Bill to authorize the board of education of Grant district, Wetzel county, to borrow or otherwise secure sufficient funds to finish constructions of public school buildings in the district of Grant, Wetzel county, and to empower them to lay a special levy to provide funds for paying same with interest."

"WHEREAS, The board of education of Grant district, Wetzel county, has heretofore begun the building and construction of public school buildings in the district of Grant and,

"WHEREAS, The funds provided for said purpose have been exhausted, and

"WHEREAS, It is necessary to at once complete the construction of said buildings to prevent severe damage to same, therefore."

Was made a special order, the Clerk announced the vote as follows:

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—84.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Cox, Grove, Houvouras, John, Lester, Neale (of Cabell), Thomas and Vanmeter—9.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 291) takes effect from its passage.

Ordered, That Mr. Lantz communicate to the Senate the passage of the bill and request concurrence therein.

On motion of Mr. Miller, indefinite leave of absence was granted to Mr. Blizzard, on account of illness, and

On the further motion of the same gentleman, indefinite leave of absence was granted to Mr. Thomas.

Mr. Weiss asked unanimous consent to take up

House Bill No. 152—"A Bill to amend and re-enact section two of the part entitled 'Greater Wheeling Charter' of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled: 'An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven,' entitled: 'An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six,' entitled:

'An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling;' chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form a part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election held on the fourth Thursday in May, one thousand nine hundred and fifteen."

With Senate amendments, for immediate consideration,

Which was not given, Mr. Blackhurst objecting.

Thereupon,

On motion of Mr. Weiss, the bill (H. B. No. 152, with Senate amendments), was taken up for immediate consideration, and

Whereupon,

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

In line two hundred and thirty-two, insert before the semicolon the following: "except that no moneys in the treasuries of the separate municipalities affected shall be turned over to the treasurer of the city of Wheeling, and no tax shall be levied upon the taxable property within the boundaries of the territory annexed nor upon the inhabitants thereof until proper representation of the said annexed territory in the council of the city of Wheeling is provided according to law."

Insert between lines two hundred and sixty-three and two hundred and sixty-four, the following:

'Nothing in this act contained, shall be construed as rendering the city of Wheeling responsible for the up-keep, care, repair or maintenance of any part of the national or Cumberland road except in like manner as the city of Wheeling is now responsible for the up-keep, care, repair and maintenance of the part of such road now lying within the corporate limits of said city; and the rights, powers and duties of the city of Wheeling and the county of Ohio over

said national or Cumberland road as said road lies within the new corporate limits as herein set forth shall, in the event of annexation, be the same as they are now established by law over the part of such road within the present corporate limits of the city of Wheeling.

"It shall be the duty of the city of Wheeling to furnish, in the event of annexation, to the territory so annexed full and complete fire and police protection, in quality equal to that furnished to the territory within the corporate limits of the city of Wheeling as such corporate limits existed before such annexation, and such police protection shall be furnished immediately upon such annexation and such fire protection as soon thereafter as the same may reasonably be provided. It shall further be the duty of the city of Wheeling properly to light such annexed territory and to furnish water to the inhabitants thereof, at a rate not to exceed the rate charged to the inhabitants of the territory within the limits of the city of Wheeling as such limit existed before such annexation, but nothing herein contained shall be construed as in any way interfering with any franchise, contract, agreement, right or privilege held by any public service corporation from any municipality in said annexed territory included."

Insert between lines two hundred and sixty-three and two hundred and sixty-four, the following paragraph:

"No franchise, right or privilege, as provided in section twenty-four of this charter shall be granted by the council of the city of Wheeling after the election hereinabove provided for, nor shall any ordinance except a necessary appropriation ordinance be passed by said council unless and until proper representation of the said annexed territory in the council of the city of Wheeling is lawfully provided; and the privileges of initiative and referendum as provided in sections twenty and twenty-one hereof are held and enjoyed by the voters of said territory."

"In the event of annexation, the territory so annexed shall, until otherwise changed by ordinance as provided in section three of this charter, constitute two wards of the city of Wheeling and within a period of thirty days after the election herein provided for shall have been held, the councils of the various municipalities within such annexed territory shall appoint two representatives who shall be residents of the annexed territory and who shall, by virtue of such appointment, be members of the council of the city of Wheeling and entitled to all the privileges of members of said council until the members of council elected at the next succeeding general municipal election shall have qualified."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bland, Bray, Byrnes, Capehart, Coleman, Coon, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hays, Hendricks, Hilleary, Howard, Jones, Kern, Kuykendall, Mahan, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Sturm, Taylor, Twyman, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—54.

The noes were:

Messrs. Blackhurst Bannister, Brand, Brammer, Calhoun, Coberly, Cosner, Cuppett, Hall, Harvey, Hersman, Hobbs, John, Lantz, Lester, Miller, Mollohan, Moore, Neal (of Webster), Shaw, Spangler, Summers, Swisher and Thurmond—24.

Absent and not voting:

Messrs. Blizzard, Clements, Cox, Fitch, Grove, Hickman, Houvouras, Moran, Morris, McVey, Neale (of Cabell), Starcher, Stover, Thomas and Vanmeter—15.

Ordered, That Mr. Weiss communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 152) as amended.

Senate Bill No. 45—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, and to renumber the sections thereof; and to amend and re-enact sections three, four and ten of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

On second reading, pending proposed amendments, coming up in regular order for consideration.

Mr. Sarver moved to amend the bill as follows:

On page twenty-five, section thirty-one, line thirty-six, by adding the following: "*Provided*, however, that anyone who holds a first grade elementary certificate or its equivalent, issued prior to July first, nineteen hundred and twenty-two, on which he has taught for a period of ten years, shall be eligible to the office of county superintendent, the same as the ones possessing the qualifications named in this section."

On that question, Mr. McPherson demanded the ayes and noes.

The demand being sustained, they were ordered.

Pending which, and the discussion of the amendment,

Mr. McClintic moved the previous question.

The question prevailing, the Speaker propounded the main question: "Shall the amendment proposed by Mr. Sarver be adopted," and

On that question, the Clerk called the roll

Which is as follows:

The ayes were:

Messrs. Bannister, Brand, Brammer, Calhoun, Clements, Coleman, Ferguson, Fitch, Godfrey, Hackney, Hale, Harvey, Hays, Houvouras, Howard, Jones, Lester, Mahan, Mollohan, McCauley, McDermitt, McPherson, Neal (of Webster), Nutter, Otto, Parsons, Peck, Pedigo, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Wysong and Wolfe (Speaker)—43.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Bray, Byrnes, Coberly, Coon, Cosner, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Hall, Hamilton, Hendricks, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Miller, Moore, Morris, Moulds, Musser, McClaren, McClintic, McVey, O'Connor, Perin, Pettigrew, Rouss, Scott, Shomo, Vaughn and Williams (of Ohio)—37.

Absent and not voting:

Messrs. Blizzard, Capehart, Cox, Grove, Hiersman, Hobbs, Moran, Neale (of Cabell), Starcher, Stover, Thomas, Vanmeter and Williams (of Pleasants)—13.

So, a majority of the members present and voting having voted in the affirmative, the amendment prevailed.

On motions of Mr. Sarver, severally made, the bill was amended as follows:

On page twenty-seven, section thirty-three, line thirteen, by inserting after the word "general" the word "school."

On page forty-one, section fifty, line twenty-four, by striking out the word "fifty" and inserting in lieu thereof the word "two hundred."

On page forty-one, section fifty, line twenty-five, by striking out the figures "\$50.00" and inserting in lieu thereof the figures "\$200.00."

On page forty-one, section fifty, line twenty-nine, by striking out the words "twenty-five" and the figures "(\$25.00)" and inserting in lieu thereof the word "fifty" and the figures "(\$50.00)."

On page forty-two, section fifty-two, line four, by striking out

the word "fifty" and the figures "(\$50.00)" and inserting in lieu thereof the words "one hundred" and the figures "(\$100.00)."

Mr. Sarver moved to amend the bill as follows:

On page forty-three, section fifty-three, line thirteen, after the word "term," insert the following:

"Provided, however, that nothing herein shall prevent a board of education from appointing three trustees for each sub-district in its district, who, when appointed, shall be the custodians of the school property therein, and who shall have the authority to appoint and contract with teachers in their respective sub-districts, but such appointments shall be made at a meeting to be held on the third Monday in July of each year, or as soon thereafter as practical, and under the conditions provided by law for contracting with teachers.

"At their meeting on the first Monday in July, one thousand nine hundred and nineteen, the board of education, if it exercise the authority to appoint three trustees, shall appoint one for a term of one year; one for a term of two years; and one for a term of three years, who shall hold their offices until their successors are appointed and qualified. After the expiration of said terms all appointments shall be made for a term of three years; but nothing herein shall prevent a board of education from exercising the right to appoint trustees at their meeting on the first Monday in July of any subsequent year.

"The trustees so appointed shall exercise the same right and authority over their respective sub-districts as is exercised by the board of education when no trustees are appointed therein, but shall be subject to removal by the board of education at any time for neglect of duty or misconduct in office."

On that question,

Mr. Coon demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bannister, Brammer, Bray, Calhoun, Capehart, Clements, Coberly, Cosner, Hamilton, Harvey, Hays, Hersman, Hilleary, Howard, Jones, Kuykendall, Lantz, Lester, Mollohan, McDermitt, McPherson, Neal (of Webster), Nutter, Otto, Parsons, Peck, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—43.

The noes were:

Messrs. Anderson, Blackhurst, Byrnes, Coon, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hendricks, Hickman, Hobbs, Houvouras, John, Kern, Mahan, Miller, Moore, Moulds, Musser, McCauley, McClaren, McClintic, McVey, O'Connor, Pedigo, Perin, Pettigrew, Shomo, Stover, Vaughn, Williams (of Ohio) and Wysong—37.

Absent and not voting:

Messrs. Bland, Blizzard, Brand, Coleman, Cox, Fitch, Grove, Moran, Morris, Neale (of Cabell), Scott, Thomas and Vanmeter—12.

So, a majority of the members present and voting having voted in the affirmative, the amendment prevailed.

On motion of Mr. Kuykendall, the House recessed until 2 o'clock,
P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Senate Bill No. 45—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, and to renumber the sections thereof; and to amend and re-enact sections three, four and ten of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

On second reading, with pending amendments, at the time of the recess, was taken up for consideration.

On motion of Mr. Sarver, severally made, the bill was amended as follows:

One page forty-seven, section fifty-six, line five, by inserting between the words "the" and "funds" the word "teachers."

On page fifty-three, section fifty-eight, line eighteen, by striking out after the word "education" the word "shall" and insert in lieu thereof the word "may."

On page fifty-four, section fifty-eight, line thirty-nine by striking out all after the word "therefor" in line thirty-nine, all of lines forty, forty-one, forty-two, forty-three and forty-four.

On page fifty-six, section sixty-one, lines eight to thirteen, by striking out all of line eight after the word "schools" all of lines nine, ten, eleven and all of line twelve, down to the word "any."

On page fifty-seven, section sixty-one, line twenty-three, by striking out after the word "community," the remainder of line twenty-three and all of lines twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine.

On page fifty-seven, section sixty-two, line two, by striking out the word "shall" and inserting in lieu thereof the word "may."

On page fifty-seven, section sixty-two, line three, by striking out the word "shall" and inserting in lieu thereof the word "may."

On page sixty, section sixty-five, line forty-four, after the word "price," add the following:

"Provided, however, that the teacher shall be allowed pay for a period of two days at the same rate of pay for which he is teaching, and also be furnished means of transportation for going after and returning the text books for the school, the same to be paid out of the building fund of the district, in which he teaches, on the return of the books to the school board's depository."

On page sixty-five, section seventy-six, line ten, by striking out after the word "addition" the word "three" and inserting in lieu thereof the word "two."

On page seventy-five, section eighty-six, line three, insert after the word education "or trustees as the case may be."

On page eighty-eight, section one hundred and four, line twenty-four, by inserting after the word "twenty" the word "two."

On page eighty-eight, section one hundred and four, line thirty-one, by inserting after the word "twenty" the word "two."

On page eighty-eight, section one hundred and four, line thirty-two, by striking out after the word "twenty," the word "two," and insert in lieu thereof the word "four."

On page eighty-eight, section one hundred and four, line thirty-six, by striking out after the word "twenty," the word "two," and inserting in lieu thereof the word "four."

On page eighty-eight, section one hundred and four, line thirty-seven, by striking out after the word "twenty," the word "four," and inserting in lieu thereof the word "six."

Mr. Sarver moved to amend the bill as follows:

Section fifty-three, page forty-four, line twenty-seven by striking out the words "two dollars" and the figures "\$2.00)" and inserting in lieu thereof the words "one dollar" and the figures "\$1.00)".

Section fifty-three, page forty-four, line twenty-nine by striking out the words "two dollars" and inserting in lieu thereof the words "one dollar".

Section fifty-three, page forty-four, line thirty-one, by striking out the word "four" and inserting in lieu thereof the word "two".

Section fifty-six, page forty-nine, lines forty-six and forty-seven by striking out after the word "supervisor" the following "shall be the executive officer of the board of education of his district. He".

Section fifty-five, page forty-six, line seventeen, by striking out after "having" the word "two" and inserting in lieu thereof the word "four".

Section fifty-five, page forty-six, lines eighteen to twenty-four, by striking out after the word "building" in line eighteen all following down to the word "boards" in line twenty-three.

Section fifty-six, page forty-nine, line fifty-one by inserting after the word "supervisor" the following: "or district trustee, where no supervisor is employed."

Section fifty-six, page forty-seven, lines five to fifteen by striking out after the word "district" in line five the remainder of line five and all of lines six, seven, and eight-fourteen to line fifteen.

Section fifty-six, page fifty-one, lines forty-nine to fifty-three by striking out, beginning with and including the word "that" in line forty-nine, all of lines fifty, fifty-one and down to the semicolon in line fifty-two, and inserting in lieu thereof the following: "that such holidays shall be counted the same as a day taught in making up the twenty days school month specified in his or her contract".

Section sixty-two, page fifty-eight, line eighteen, by striking out the word "week" and inserting in lieu thereof the word "month".

Section eighty-two, page seventy-three, in line twenty-five, after the word "thereof", strike out the balance of said line and all of lines twenty-six, twenty-seven, twenty-eight and twenty-nine, and insert in lieu thereof the following: "When the maximum rate of levy of twenty cents on each one hundred dollars assessed valuation provided for high schools will not produce sufficient funds to conduct any high school for the term fixed by law, the state superintendent of free schools shall withhold from the 'general school fund' an amount equal to the proportion that the requests for state aid for high schools bear to the aggregate request for supplemental aid for both high and elementary schools, to supplement the fund raised by such levy to conduct any such high school for the term, and the state superintendent shall make a requisition on the auditor accordingly, but the same shall be apportioned as provided by law for elementary schools".

Section eighty-three, page seventy-four, by striking out the entire section.

Section one hundred two, page eighty-four, lines one and two, strike out the words "within a reasonable time after" and insert in lieu thereof the words "immediately after".

Section one hundred four, page eighty-seven, by striking out in

line twenty all of the remainder of line after the word "agriculture" and all of lines twenty-one and twenty-two.

Section one hundred four, page eighty-eight, line thirty-three, by inserting after the word "one" the word "half".

Section one hundred four, page eighty-eight, line thirty-four, by striking out the word "nine", and inserting in lieu thereof the word "six".

Section one hundred four, page eighty-eight, line thirty-eight, by striking out after the word "least" the word "two" and inserting in lieu thereof the word "one".

Section one hundred four, page eighty-eight, line thirty-nine, by striking out after the word "thereto" the word "eighteen" and inserting in lieu thereof the word "twelve".

Section one hundred four, page eighty-eight, line forty-one, by striking out after the word "twenty" the word "four" and substituting in lieu thereof the word "six".

Section one hundred four, page eighty-nine, line forty-two, by striking out the word "six" and inserting in lieu thereof the word "eight".

Section one hundred four, page eighty-nine, line forty-three, by striking out the word "three" and inserting in lieu thereof the words "one and one-half".

Section one hundred four, page eighty-nine, line forty-four by striking out the word "twenty-seven" and substituting in lieu thereof the word "eighteen".

Section one hundred four, page eighty-nine, by striking out all of lines, forty-six, forty-seven, forty-eight and forty-nine.

Section one hundred twenty-two, page one hundred three, line two, strike out the word "seven" and insert the word "eight".

Which motions did not prevail.

Mr. Hendricks moved to amend the bill by striking out all of section eleven and inserting in lieu thereof the following:

Sec. 11. Shall Adopt Text-Books. The state superintendent of schools and the superintendent of schools of each county in the state shall adopt text-books for uniform and exclusive use in the public schools of state, except as hereinafter provided, such adoptions to be made subjects to the following restrictions and provisions:

(a) By written request or otherwise, the state superintendent of schools shall ask various publishers of text-books in the United States to submit samples and prices of text-book on all subjects required to be taught in the schools of state. All bids or proposals

shall be under seal, and each bidder shall deposit in the state treasury such sum of money as said state superintendent of schools shall designate, such deposits to be not less than one thousand (\$1,000) dollars nor more than three thousand (\$3,000) dollars; and said deposit shall be the general school fund, if such bidder shall fail or refuse to make and execute such contract and bond as are herein required in case of the acceptance of all or a part of his bid, and otherwise shall be returned to said bidders after contracts have been made.

(b) All bids shall be opened by the state superintendent of schools and county superintendents in executive session. After considering the subject matter, printing, binding, general suitability and prices of books submitted, state superintendent of schools and county superintendents said shall on or before the first Tuesday in May, one thousand nine hundred and twenty-two, and every fifth year thereafter adopt one book, or one series of books, and only one, for uniform and exclusive use in the free schools of this state, except in classified high school and in towns and cities which have a population of thirty-five hundred or over. No book or books shall be changed at the expiration of any five-year contract upon fewer than thirty-five (35) affirmative votes. When selections and adoptions of books have been properly made, it shall be the duty of state board of education to execute contracts therefor with the publishers thereof for a period of five years, beginning July first following, each publisher being required to enter into bond of not less than ten thousand (\$10,000) dollars, to be approved by the state board of public works. Such contracts shall be prepared by the attorney general in accordance with the terms and provisions of this act, and shall be executed in duplicate, one copy held by the contractors and one by the state superintendent of schools. Should any successful bidder fail to contract, or, if for any cause any books adopted cannot be secured, the state superintendent of schools and county superintendent's election and adoption of other books in lieu thereof.

And on that question,

Mr. Hall demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bland, Brammer, Bray, Capehart, Hackney, Hendricks, Houvouras, Jones, Kuykendall, Lester, Mahan, McCauley, Mc-

Clintic, McPherson, Nutter, Pettigrew, Rankin, Shaw, Spangler, Swisher, Taylor, Twyman and Weiss—23.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hobbs, Howard, John, Kern, Lantz, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Sarver, Shomo, Starcher, Stover, Sturm, Thurmond, Vaughn, Wyson and Wolfe (Speaker)—57.

Absent and not voting:

Messrs. Blizzard, Cox, Grove, Hilleary, Neale (of Cabell), Richards, Rouss, Scott, Summers, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—13.

So, a majority of those present and voting not having voted in the affirmative, the motion did not prevail.

On motion of Mr. Lantz, the bill was amended as follows:

On page thirty-eight, section forty-eight, line twenty, the bill was amended as follows: by striking out the words "in its possession" and inserting in lieu thereof the words "owned in fee by it", so that the sentence will read, "said board may also lease for oil and gas or other minerals any lands of school sites owned in fee by it, etc".

On motion of Mr. Capehart, severally made, the bill was amended as follows:

On page twenty-three, section twenty-five, by adding after the words "including a state supervisor of colored schools" beginning in line five and ending in line six, the following words: "whose salary shall be \$2400.00 per annum and for any necessary expenses incident to the performance of his duties, upon presentation of itemized sworn statement of the same".

On page six, line thirty-seven, by adding after the end of the said line the following: "the said advisory council shall have charge of all matters with reference to colored schools, subject to the approval of the state board of education".

On motion of Mr. Hersman, the bill was amended as follows:

On page thirty-eight, line sixteen, after the word "of", insert "mineral rights and".

On motion of Mr. Coon the bill was amended as follows:

On page forty, section fifty, line nine, after the word "thereof" insert the following: "including fuel and other necessary supplies".

On page fifty-six, section sixty-one, after the word "schools" by inserting the following: "boards of education shall have the authority to use school funds for the financial support of such schools and to use the school houses and their equipment for such purposes."

On page seventy-four, section eighty-three, line seven, beginning with the comma after the word "county", strike out the remainder of the line and all of lines eight and nine except the period.

On motion of Mr. Nutter, the bill was amended as follows:

On page six, section five, line thirty-three, by striking out the words "two hundred and fifty" and inserting in lieu thereof "one thousand".

Mr. Ferguson moved to amend the bill on page three, line nineteen, by striking out the words "but not fewer than three appointive members" and insert the word "and".

Which motion did not prevail.

Mr. Twyman moved to amend the bill on page forty-seven, section fifty-six, line two, by striking out the words "have authority to".

Which motion did not prevail.

Mr. Hersman moved to amend the bill on page fifty-one, section fifth-seven, line thirty-two, by striking out all down to and including the word "board" at the end of line thirty-eight.

Which amendment did not prevail.

Mr. Wysong moved to amend the bill by striking out all of section fifty-two.

Which amendment did not prevail.

Mr. Weiss moved to amend the bill on page sixty-three, section seventy, line seven, after the word "shall" by striking out the words "post at the same place" and insert in lieu thereof the words "publish in two newspapers of general circulation in the county, if such there be.

Which motion did not prevail.

Mr. Coon moved to amend the bill on page twenty-seven, section thirty-three, after line fourteen, by adding the following:

"The county court of any county may pay one clerk in the office of the county superintendent of schools, said clerk to be appointed by said superintendent; *provided*, that in counties having not more than one hundred fifty schools, the total sum paid annually to said clerk shall not exceed three hundred dollars; in counties having more than one hundred fifty schools and not more

than three hundred schools, not to exceed six hundred dollars, annually; and in counties having more than three hundred schools, not to exceed nine hundred dollars, annually."

And on that question,

Mr. Hays demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Brand, Brammer, Coleman, Coon, Cox, Cunningham, Cuppett, Fitch, Fortney (of Preston), Hackney, Hale, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Kern, Miller, Moran, Moulds, McClaren, McClintic, Nutter, O'Connor, Perin, Pettigrew, Starcher, Summers and Wysong—31.

The noes were:

Messrs. Blackhurst, Bannister, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Cosner, Ferguson, Fortney (of Harrison), Godfrey, Hall, Hamilton, Harvey, Hays, Hersman, Hilleary, Jones, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Morris, Musser, McCauley, McDermitt, McPherson, Neal (of Webster), Otto, Parsons, Peck, Pedigo, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Williams (of Pleasants)—50.

Absent and not voting:

Messrs. Bland, Blizzard, Grove, McVey, Neale (of Cabell), Rouss, Scott, Stover, Thomas, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—12.

So, a majority of those present and voting not having voted in the affirmative, the motion did not prevail.

Mr. Coon moved to amend the bill on page sixty-five, section seventy-six, line ten, after the word "fifty" strike out the period and insert a comma and the following: "*provided*, that such additional pay shall not be allowed for more than fifty such additional schools. The salary of the secretary of the board of education shall not be due and payable until he has filed with the county superintendent of schools the report required in the preceding section of this act."

Which motion did not prevail.

Mr. Brand moved to amend the bill on page twenty-seven, by adding at the end of section thirty-three, the words "and provided further, that schools in independent districts shall not be counted in computing salaries under this section."

Which motion did not prevail.

The bill was then ordered to its engrossment and third reading.

Unanimous consent being given,

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 105-a:

"A Budget Bill" making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budgment Amendment."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman*.

On motion of Mr. Parsons, the bill (H. B. No. 105-a), was taken up for immediate consideration, read a first time and ordered to its second reading.

The hour having arrived to which the further action on the Sturgiss matter by the House was made a special order,

On motion of Mr. Twyman it was made a special order for tomorrow, February 19th, at 10:30 o'clock, A. M.

On motion of Mr. Parsons

House Bill No. 105-a:

"A Budget Bill" making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budgment Amendment."

On second reading, was made a special order for tomorrow, February 19th, at 2:30 o'clock, P. M.

Mr. Ferguson asked unanimous consent to take up for immediate consideration.

Senate Bill No. 233—"A Bill to authorize and empower the state board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."

Which was not given, Mr. McClintic objecting.

Mr. Kuykendall asked unanimous consent to take up for immediate consideration.

House Bill No. 241—"A Bill providing for the issuance of bonds

and prescribing the limitation of indebtedness for cities, towns and villages."

Which was not given, Mr. McClintic objecting.

Mr. Stover moved that the House recess until 7:30 P. M.

Which motion did not prevail.

House Bill No. 238—"A Bill to prohibit corporations created under the laws of the state of West Virginia and corporations duly incorporated under the laws of any other state or territory of the United States or District of Columbia or any foreign country authorities."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bray, Byrnes, Clements, Coleman, Cosner, Ferguson, Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Hays, Hendricks, Hilleary, Hobbs, John, Jones, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Peck, Perin, Rankin, Richards, Shaw, Shomo, Spangler, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Wolfe (Speaker)—53.

The noes were:

Messrs. Bland, Calhoun, Coberly, Cunningham, Fitch, Fortney (of Harrison), Hackney, Houvouras, Howard, Lester, Mollohan, Neal (of Webster), Pettigrew and Sturm—14.

Absent and not voting:

Messrs. Blizzard, Brand, Brammer, Capehart, Coon, Cox, Cuppett, Grove, Harvey, Hersman, Hickman, Kern, Neale (of Cabell), Parsons, Pedigo, Pridemore, Rouss, Sarver, Scott, Starcher, Summers, Thomas, Vanmeter, Williams (of Ohio) Williams (of Pleasants) and Wysong—26.

Mr. McClaren moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The Clerk called the roll,

Pending the roll call,

On motion of the same gentleman, the announcement of the vote was postponed until 10:30 o'clock A. M. tomorrow.

Mr. Ferguson moved that the House recess until 7:30 o'clock this P. M.

Which motion did not prevail.

House Bill No. 173—"A Bill to amend chapter forty-three of

Barnes' code of West Virginia, edition of one thousand nine hundred and eighteen, as amended by chapter sixty-six of the acts of the West Virginia legislature, one thousand nine hundred and seventeen, by adding thereto section fifty-six-a requiring patrolment to account for road materials, tools and implements belonging to their districts".

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Perin, Pettigrew, Rankin, Richards, Shaw, Shomo, Spangler, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—62.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Brand, Capehart, Coberly, Cox, Ferguson, Grove, Hall, Hendricks, Kern, Lester, Miller, Morris, Neale (of Cabell), Nutter, Parsons, Peck, Pedigo, Pridemore, Rouss, Sarver, Scott, Starcher, Stover, Sturm, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—31.

Ordered, That Mr. Lantz communicate to the Senate the passage of the bill (H. B. No. 173) and ask concurrence therein.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found duly enrolled:

(H. B. No. 147 —An Act to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same,

Also,

(S. B. No. 9)—An Act to amend and re-enact section twenty-five of chapter one hundred thirty-one of the code of West Virginia of one thousand nine hundred and thirteen, as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence.

Also,

(S. B. No. 48)—An Act to amend and re-enact chapter thirty six of the acts of one thousand nine hundred and fifteen, relating to the examination and testing of seeds sold in West Virginia for agricultural purposes, requiring labeling of said seeds and providing penalty for violation thereof.

And,

(H. B. No. 93)—An Act to regulate the sale of commercial feeding stuffs.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the eighteenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 147)—An Act to incorporate the town of South Charleston in Kanawha county, West Virginia, fixing its corporate limits and prescribing and defining the powers and duties of said town and the officers of same.

Also,

(S. B. No. 9)—An Act to amend and re-enact section twenty-five of chapter one hundred thirty-one of the code of West Virginia, of one thousand nine hundred and thirteen, as enacted and amended by section twenty-five of chapter seventy-two of the acts of the legislature of one thousand nine hundred and fifteen, regulating the instructions by courts to juries and relating to demurrers to evidence.

Also,

(S. B. No. 48)—An Act to amend and re-enact chapter thirty-six of the acts of one thousand nine hundred and fifteen, relating to the examination and testing of seeds sold in West Virginia for agricultural purposes, requiring labeling of said seeds and providing penalty for violation thereof.

And,

(H. B. No. 93)—An Act to regulate the sale of commercial feeding stuffs.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the eighteenth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 148)—An Act to amend and re-enact chapter one hundred thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county, to lay a special levy each year for the purpose of permanently improving certain public roads or turnpikes leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five, of the acts of one thousand nine hundred and seventeen.

Also,

(S. B. No. 180)—An Act to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston.

And,

(H. B. No. 200)—An Act to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four of the code of West Virginia, and to provide for the management and control of such corporations.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 148)—An Act to amend and re-enact chapter one hundred thirteen, of the acts of one thousand nine hundred and fifteen, authorizing and empowering the county court of Lewis county to lay a special levy each year for the purpose of permanently improving certain public roads or turnpike leading out of the city of Weston in said county; providing for such permanent improvements and the receipt and expenditures of all moneys raised by such levy, and to exempt any magisterial district of said county that may issue bonds for permanent road purposes in said county from the provisions of said special levy, as amended and re-enacted by chapter thirty-five, of the acts of one thousand nine hundred and seventeen.

Also,

(S. B. No. 180)—An Act to amend and re-enact sections six and fifteen of chapter two of the acts of the legislature of West Virginia, regular session, one thousand nine hundred and fifteen, as codified under municipal charters relating to the charter of the city of Shinnston.

And,

(H. B. No. 200)—An Act to provide for the creation and organization of corporations, other than joint stock companies, for the purposes named in clause four of section two of chapter fifty-four

of the code of West Virginia, and to provide for the management and control of such corporations.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

A message from the Senate by Mr. Scherr announced that that body had concurred in the House amendments to

Senate Bill No. 114—"A Bill to amend and re-enact chapter fifteen-j, Barnes' code of one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a state board of childrens' guardians and to define its duties."

A message from the Senate by Mr. Harmer announced that that body had concurred in the House amendments to

Senate Bill No. 6—"A Bill to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen."

A message from the Senate by Mr. Staats announced the passage by that body of

Senate Bill No. 245—"A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provisions by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Staats, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 21.

WHEREAS, Senate Joint Resolution No. 15, proposing an amendment to the constitution providing for a bond issue for a system of state roads and highways has been adopted by the legislature and submitted to the voters of the state for ratification or rejection at the next general election; and,

WHEREAS, It is the sense of the legislature that the laws to be enacted to carry the provisions of said resolution into effect in case of its ratification are of the utmost importance to the whole people of the state and should be given careful thought and consideration; therefore be it,

Resolved by the Senate of West Virginia, the House of Delegates concurring therein: That in case said proposed amendment is ratified at said general election, the governor of this state is requested, as soon as such ratification is ascertained, to appoint a committee of five from the members who will compose the next legislature of this state, three from the House of Delegates and two from the Senate, who together with the state road commission, and such representative of the federal government as might be designated by it shall prepare such bill or bills and make such investigations and recommendations as such committee may deem proper and submit the same, together with its report, to the legislature at its next session thereafter.

And asked the concurrence of the House therein.

A message from the Senate by Mr. Johnson, announced the passage by that body of

Senate Bill No. 214—"A Bill to amend and re-enact section one of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-e-two, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred twelve-a of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred one, and one hundred two of the acts of West Virginia, regular session of the legislature one thousand nine hundred and seventeen; to rearrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit courts in the several counties therein.

And asked the concurrence of the House therein.

On motion of Mr. Hays, the House recessed until 7:30 o'clock,
P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

House Bill No. 279—"A Bill to authorize the county court of the county of McDowell to establish and maintain a county law library.

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Brammer, Byrnes, Calhoun, Clements, Cosner, Cunningham, Ferguson, Fortney (of Harrison), Hackney, Hall, Hersman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Mahan, Mollohan, Moran, Musser, McCauley, McClaren, McClintic, McDermitt, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Stover, Sturm, Thurmond, Twyman, Weiss and Wolfe (Speaker)—49.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Blizzard, Bray, Capehart, Coberly, Coleman, Coon, Cox, Cuppett, Fitch, Fortney (of Preston), Godfrey, Grove, Hale, Hamilton, Harvey, Hays, Hendricks, Hickman, John, Kern, Lester, Miller, Moore, Morris, Moulds, McPherson, McVey, Neale (of Cabell), Peck, Pedigo, Pettigrew, Rouss, Scott, Starcher, Summers, Swisher, Taylor, Thomas, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wyson—44.

Mr. Anderson moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Musser, McCauley, McClaren, McClintic, McDermitt, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore,

more, Rankin, Richards, Sarver, Shaw, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Capehart, Coberly, Coon, Cox, Fitch, Grove, Harvey, Hendricks, Kern, Lester, Miller, Morris, Moulds, McPherson, McVey, Neale (of Cabell), Pedigo, Rouss, Scott, Shomo, Starcher, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—29.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 279), takes effect from its passage.

Ordered, That Mr. Anderson communicate to the Senate the passage of the bill and request concurrence therein.

House Bill No. 272—"A Bill to amend and re-enact sections three, four-*a*, thirty, forty-one, forty-seven and forty-eight of chapter eighteen of the acts of legislature of one thousand nine hundred and fifteen, relating to the charter of the city of Cameron, Marshall county, West Virginia."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Kuykendall, Lantz, Lester, Mahan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Capehart, Coon, Cox, Fitch, Grove, Harvey, Hendricks, Jones, Kern, Miller, Mollohan, Morris, McPherson, McVey, Neale (of Cabell), Parsons, Pedigo, Rouss, Scott,

Starcher, Stover, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—29.

Ordered, That Mr. Moore, communicate to the Senate the passage of the bill (H. B. No. 272) and ask concurrence therein.

Senate Bill No. 198—"A Bill to create the independent school district of Church in the county of Wetzel."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss and Wolfe (Speaker)—69.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Capehart, Coon, Cox, Fitch, Grove, Harvey, Hendricks, Kern, Morris, McVey, Neale (of Cabell), Pedigo, Rouss, Scott, Starcher, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—24.

Ordered, That Mr. Hall communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 198).

House Bill No. 296—"A Bill fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Nutter

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Bannister, Brammer, Bray, Byrnes, Clements, Coberly, Coleman, Cosner, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Hourvouras, Howard, John, Jones, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wolfe (Speaker).—61.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Brand, Calhoun, Capehart, Coon, Cox, Furgerson, Fitch, Godfrey, Groves, Hall, Harvey, Hendricks, Kern, Lester, Moore, McVey, Neale (of Cabell) Pedigo, Rouss, Shomo, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants and Wysong)—32.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss and Wolfe (Speaker)—66.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Capehart, Coberly, Coon, Cox, Fitch, Grove, Hendricks, Kern, Lester, Morris, McCauley,

McVey, Neale (of Cabell), Pedigo, Rouss, Shomo, Starcher, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—27.

Ordered, That Mr. Nutter communicate to the Senate the passage of the bill (H. B. No. 296) and ask concurrence therein.

House Bill No. 249—"A Bill fixing the annual allowance to the clerk of the county court of McDowell county."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Mr. Pettigrew in the Chair.

Senate Bill No. 213—"A Bill fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Mollohan

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Calhoun, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pride-more, Rankin, Richards, Sarver, Scott, Shaw, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss and Wolfe (Speaker)—61.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Coon, Cox, Fitch, Fortney (of Harrison), Godfrey, Grove, Harvey, Hendricks, John, Kern, Lester, Morris, McCauley, Neale (of Cabell), Nutter, Pedigo, Rouss, Shomo, Starcher, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—32.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Brand, Brammer, Bray, Calhoun, Clements, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Jones, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss and Wolfe (Speaker)—61.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Blizzard, Byrnes, Capehart, Coberly, Coon, Cox, Fitch, Godfrey, Grove, Harvey, Hendricks, Houvouras, Howard, John, Kern, Lester, Miller, Morris, McCauley, Neale (of Cabell), Pedigo, Rouss, Starcher, Thomas, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—32.

Ordered, That Mr. Mollohan communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 213).

House Bill No. 302—"A Bill to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act."

On second reading, coming up in regular order for consideration was read a second time.

On motion of Mr. Moran

The constitutional rule requiring the bill to be fully and distinctly read on three different days was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Calhoun, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pettigrew, Pridemore, Rankin, Richards, Shaw, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—60.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Coon, Cox, Fitch, Grove, Hall, Harvey, Hendricks, John, Kern, Lester, Mollohan, Morris, McCauley, Neale (of Cabell), Pedigo, Perin, Rouss, Sarver, Scott, Shomo, Starcher, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—33.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Calhoun, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Kuykendall, Lantz, Miller, Mollohan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Weiss and Wolfe (Speaker)—57.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Cuppett, Fitch, Godfrey, Grove, Hall, Harvey, Hendricks, Howard, Kern, Lester, Mahan, Morris, McCauley, Neale (of Cabell), Nutter, Parsons, Pedigo, Rouss, Starcher, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—36.

Ordered, That Mr. Moran communicate to the Senate the passage of the bill (H. B. No. 302) and ask concurrence therein.

Senate Bill No. 195—"A Bill to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled 'An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia, entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia.'"

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Jones

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Calhoun, Clements, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Miller, Mollohan, Moran, Moulds, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Scott,

Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wolfe (Speaker)—54.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Byrnes, Capehart, Coberly, Coleman, Coon, Cosner, Cox, Fitch, Godfrey, Grove, Hale, Hall, Harvey, Hendricks, Kern, Lester, Mahan, Moore, Morris, Musser, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Pedigo, Pridemore, Rouss, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—39.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bray, Calhoun, Clements, Coleman, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mollohan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wysong—56.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Brand, Brammer, Byrnes, Capehart, Coberly, Coon, Cosner, Cox, Fitch, Godfrey, Grove, Hall, Harvey, Hendricks, Lester, Mahan, Miller, Morris, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Pedigo, Pridemore, Rouss, Scott, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—37.

Ordered, That Mr. Jones communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 195).

Senate Bill No. 211—"A Bill authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district of Charleston."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. McClintic

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Calhoun, Coleman, Cosner, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mollohan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, O'Connor, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wolfe (Speaker)—59.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Coon, Cox, Cunningham, Fitch, Grove, Hall, Harvey, Hendricks, Kern, Mahan, Miller, Morris, McCauley, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Pedigo, Rouss, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—34.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Godfrey, Hale, Hamilton, Hays, Hickman, Hilleary,

Hobbs, Houvouras, Howard, Jones, Kuykendall, Lantz, Mollohan, Moran, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss, and Wolfe (Speaker)—53.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cox, Fitch, Fortney (of Preston), Grove, Hackney, Hall, Harvey, Hendricks, Hersman, John, Kern, Lester, Mahan, Miller, Moore, Morris, McCauley, Neale (of Cabell), Nutter, Otto, Pedigo, Pettigrew, Rouss, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio) Williams (of Pleasants) and Wysong—40.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 212).

Senate Bill No. 239—"A Bill authorizing the board of education of Coal district, Harrison county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a high school building in what is known as Adamston, in said Coal district."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Sturm

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Bray, Calhoun, Clements, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Godfrey, Hackney, Hall, Hays, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Kuykendall, Lantz, Mollohan, Moran, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott,

Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Twyman, Weiss and Wolfe (Speaker)—54.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Brammer, Byrnes, Capehart, Coberly, Coon, Cox, Fitch, Fortney, (of Preston), Grove, Hall, Hamilton, Harvey, Hendricks, Jones, Kern, Lester, Mahan, Miller, Moore, Morris, Moulds, McCauley, Neale (of Cabell), Nutter, Otto, Pedigo, Rouss, Starcher, Summers, Taylor, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—39.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Calhoun, Clements, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Godfrey, Hackney, Hale, Hays, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Mollohan, Moore, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Neal (of Webster), O'Connor, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman and Weiss—54.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Byrnes, Capehart, Coberly, Coon, Cox, Fitch, Fortney (of Preston), Grove, Hall, Hamilton, Harvey, Hendricks, Hersman, Kern, Lester, Mahan, Miller, Moran, Morris, McCauley, McDermitt, Neale (of Cabell), Nutter, Otto, Pedigo, Rouss, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—39.

Ordered, That Mr. Sturm communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 239).

A message from the Senate, by Mr. Burgess, announced that the Senate had amended, and passed as amended, and requested the concurrence of the House in the amendments to

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties; section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employes by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

Unanimous consent being given,

On motion of Mr. Perin,

House Bill No. 288—"A Bill to amend and re-enact section six, of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen."

On second reading, was taken up out of its regular order, for immediate consideration, and read a second time.

On motion of the same gentleman, the bill was amended on page one, in line eleven, by striking out after the word "company" the following: "such an amount of land as may be necessary" and inserting in lieu thereof the following: "an amount of land not exceeding one hundred acres in any one parcel."

On the further motion of the same gentleman

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Brammer, Bray, Calhoun, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Hackney, Hall, Hays, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mollohan, Moore,

Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Perin, Pettigrew, Pridemore, Rankin, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wolfe (Speaker)—48.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Bland, Blizzard, Brand, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cox, Fitch, Fortney (of Preston), Godfrey, Grove, Hale, Hamilton, Harvey, Hendricks, Hersman, Kern, Mahan, Miller, Moran, Morris, McCauley, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Peck, Pedigo, Richards, Rouss, Sarver, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—45.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Brand, Brammer, Bray, Calhoun, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Hackney, Hale, Hall, Hays, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mollohan, Moore, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Peck, Perin, Pridemore, Rankin, Sarver, Scott, Shaw, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wysong—49.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cox, Fitch, Fortney (of Preston), Godfrey, Grove, Hamilton, Harvey, Hendricks, Hersman, Kern, Mahan, Miller, Moran, Morris, Moulds, McCauley, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pettigrew, Richards, Rouss, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—44.

Ordered, That Mr. Perin communicate to the Senate the passage of the bill (H. B. No. 288) and ask concurrence therein.

Senate Bill No. 212—"A Bill to amend and re-enact sections three and five of chapter sixteen of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine; and prescribing the manner of the nomination and election, the qualification, the compensation and the term of office of members of the board of education of the school district of Huntington."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Houvouras

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Brand, Brammer, Bray, Calhoun, Coleman, Cosner, Cunningham, Ferguson, Fortney (of Harrison), Hackney, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mollohan, Moore, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wolfe (Speaker)—50.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Coon, Cox, Cuppett, Fitch, Fortney (of Preston), Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hersman, Kern, Mahan, Miller, Moran, Morris, McCauley, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Rouss, Scott, Shomo, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—43.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Brand, Brammer, Bray, Calhoun, Coleman, Cosner, Cunningham, Ferguson, Fortney (of Harrison), Hackney, Hale, Hall, Hays, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kuykendall, Lantz, Lester, Mollohan, Moore, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connór, Peck, Perin, Pettigrew, Pridemore, Rankin, Sarver, Shaw, Spangler, Stover, Sturm, Swisher, Taylor, Twyman, Weiss and Wolfe (Speaker)—50.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Coon, Cox, Cuppett, Fitch, Fortney (of Preston), Godfrey, Grove, Hamilton, Harvey, Hendricks, Hersman, Kern, Mahan, Miller, Moran, Morris, McCauley, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Richards, Rouss, Scott, Shomo, Starcher, Summers, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—43.

Ordered, That Mr. Houvouras communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 212).

House Bill No. 281—"A Bill amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its engrossment and third reading.

Unanimous consent being given,

Mr. McClintic offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 11.

Relating to the Kenyon Bill.

Resolved, That the legislature of West Virginia hereby approves and requests the enactment of the bill now pending in the United States Senate, known as the Kenyon Bill, and listed on the calendar of said body as Senate Bill 5397, the caption of which bill reads as follows:

"A Bill to provide for the commencement or prosecution of public works in order to provide increased opportunities for employment during the period of demobilization and industrial adjustment, and for other purposes."

Resolved, That the Clerks of the Senate and House do send certified copies of this resolution to the Senate and House of Representatives of the United States.

On motion of the same gentleman, the rules were suspended, and the resolution, (H. C. R. No. 11) taken up for immediate consideration, and adopted.

Ordered, That Mr. McClintic communicate to the Senate the adoption of the resolution (H. C. R. No. 11) and ask concurrence therein.

Unanimous consent being given,

Mr. McClintic offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 12.

Requesting the War Department of the Federal Government to allot to the state of West Virginia certain captured German ordnance to be placed on the State House grounds.

WHEREAS, It is probable that German ordnance captured by the American Expeditionary Forces will be brought to this country for distribution among such of the Commonwealths of the United States as may expressly desire to receive same, and

WHEREAS, Such captured ordnance would be an appropriate testimonial of the valor of the soldiers of West Virginia who participated in the World War and a fitting ornament to the State House grounds; therefore be it

Resolved, by the House of Delegates of West Virginia the Senate concurring therein, that application is hereby made to the War Depart-

ment for an allotment of such captured German ordnance as may be deemed desirable and appropriate, and by it further

Resolved, That the Governor of West Virginia hereby is requested to present to the Secretary of War a certified copy of this concurrent resolution.

On motion of the same gentleman, the rules were suspended, and the resolution (H. C. R. No. 12) taken up for immediate consideration, and adopted.

Ordered, That Mr. McClintic communicate to the Senate the adoption of the resolution (H. C. R. No. 12) and ask concurrence therein.

Unanimous consent being given,

On motion of Mr. Kuykendall,

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On third reading, was taken up out of its regular order for immediate consideration, and read a third time.

On the passage of the bill,

The Clerk called the roll.

Pending the roll call,

On motion of Mr. Kuykendall, the announcement of the vote was made a special order for 10:40 o'clock, A. M., tomorrow.

The Speaker resumed the Chair.

On motion of Mr. Sarver, the House adjourned.

WEDNESDAY, FEBRUARY 19, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Starcher, the further reading of the Journal was dispensed with.

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties;

section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employees by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

With Senate amendments, coming up in regular order for consideration.

"Sec. 5-a. That in addition to the assent given and the good faith pledged by the legislature by virtue of section five, of chapter sixty-six of the acts of one thousand nine hundred and seventeen, regular session, the legislature of West Virginia, hereby assents to the provision or provisions of any subsequent act of the congress or the appropriation thereby, making provision for the survey, construction or maintenance of rural post roads.

The state road commission is hereby authorized to enter into all contracts and agreements with the United States government relating to such survey, construction and maintenance as may be required by the secretary of agriculture or other officer having authority to enter into such contracts. For the construction and maintenance of rural post roads the good faith of the state is hereby pledged to make available funds sufficient to equal the sums which may be apportioned to the state, by or under the United States government, during each of such years as federal aid, may be so apportioned to this state."

On page eleven, section one hundred twenty-four, line eight, after the word "driven" by striking out the words "or otherwise,"

On page twelve, line sixteen, after the word "visible" by inserting the words "provided that such motor vehicle may be equipped with what is known as a search or spotlight, which shall not be used as a headlight for driving."

On page seven, at the end of section twenty-five, by inserting the following:

"Sec. 31. In addition to the general county and district levy the county court shall lay a district levy not to exceed fifteen cents on each one hundred dollars' assessed valuation of all taxable property in each of the several districts of said county, the proceeds of which shall be known as the district road fund of such district, and shall be expended only for the construction, improvement and maintenance of the district roads and parts thereof in said district, and for the construction and maintenance of bridges thereon after said roads are properly located. The county court of any county, with the written approval of the state tax commissioner, may lay a special district levy in excess of the district road levy hereinbefore provided, not to exceed fifteen cents on each one hundred dollars' assessed valuation of all the taxable property of the district to be known as a special district road levy for the construction, maintenance and improvement of the roads of such district, or the bridges thereon, for such year or years as may be named in such approval, but in no case shall the combined district road levy and special district road levy exceed thirty cents on each one hundred dollars' assessed valuation of the taxable property of said district. Nothing contained in section two of chapter twenty-eight-a of the code as amended shall be so construed as to limit the power and authority of the county court to lay the respective county and district road levies provided for in this section, though by so doing the total levies laid may exceed the limit provided by said section."

On page one, by striking out the enacting section and inserting in lieu thereof the following:

"That sections twenty-five, thirty-one, forty, forty-five, one hundred twelve and one hundred twenty-four of chapter sixty-six acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred thirty-two-a, be, and the same is hereby amended, enacted and re-enacted to read as follow:"

House Bill No. 46—"A Bill to amend and re-enact sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six, acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred and thirty-two-a."

On motion of Mr. McClaren the House agreed to the amendments proposed by the Senate.

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—72.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Coberly, Cox, Cuppett, Fortney (of Preston), Grove, Hale, Hickman, Houvouras, Kuykendall, Moran, McVey, Neale (of Cabell), Nutter, O'Connor, Taylor, Thomas, Vanmeter and Williams (of Ohio)—21.

Mr. McClaren moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—70.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Coberly, Coleman, Cox, Cuppett, Fortney (of Preston), Grove, Hall, Hickman, Houvouras, Jones, McCauley, Neale (of Cabell), Nutter, O'Connor, Pettigrew, Sarver, Stover, Sturm, Thomas, Vanmeter and Williams (of Ohio)—23.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 46) takes effect from its passage.

Ordered, That Mr. McClaren communicate to the Senate the concurrence of the House of Delegates in the passage of the bill as amended.

The hour having arrived to which the announcement of the vote on

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

Was made a special order.

The Clerk announced the vote as follows:

On the passage of the bill,

The ayes were: .

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Coleman, Cox, Cuppett, Grove, Hickman, Howard, Lester, McCauley, McPherson, Neale (of Cabell), Nutter, Sarver, Thomas, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Kuykendall communicate to the Senate the passage of the bill (H. B. No. 241) and ask concurrence therein.

Mr. Blackhurst, from the Committee on Counties, Districts and Municipal Corporation, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

Senate Bill No. 192—"A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and

ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

H. BLACKHURST, *Chairman.*

Mr. McClintic offered the following resolution:

Resolved, That the debate on the resolution offered by Mr. McClintic and known as the Sturgiss resolution be limited to one hour on each side and the time shall be controlled by E. F. Moore on one side and by H. C. Richards for the other side, and at the conclusion of the debate, then a vote shall be had by yeas and nays upon the adoption of said resolution.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

The hour having arrived to which the resolution offered by Mr. McClintic, was made a special order, the Clerk reported the resolution as follows:

"Resolved, That the majority report this day submitted by the Committee on Judiciary in the matter of Wm. E. Glasscock and others, petitioners, against George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, be, and the same is hereby, adopted by the House of Delegates, and be it further

Resolved, That the members of said Judiciary Committee signing said majority report be, and they are hereby, appointed for the purpose of preparing articles of impeachment against the said George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, charging him with having unlawfully practiced the profession of law during his term of office as judge of the circuit court of Monongalia county, in violation of his oath of office, maladministration, corruption, and high crimes and misdemeanors, and, be it further

Resolved, That a committee of four, members of the House of Delegates, be appointed by the Speaker to conduct the impeach-

ment against the said George C. Sturgiss before the Senate on the part of the House of Delegates."

On the adoption of the resolution

The ayes were:

Messrs. Brand, Bray, Byrnes, Calhoun, Coberly, Coon, Cuppett, Ferguson, Fortney (of Preston), Hendricks, Hersman, Hickman, Houvouras, John, Kuykendall, Lantz, Moore, Moulds, McCauley, McClintic, McDermitt, Perin, Rankin, Rouss, Shaw, Shomo, Thurmond and Wolfe (Speaker)—28.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Capehart, Clements, Coleman, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, Hobbs, Howard, Jones, Kern, Mahan, Miller, Mollohan, Moran, Morris, Musser, McClaren, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Richards, Sarver, Scott, Spangler, Starcher, Stover, Sturm, Summers, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—55.

Absent and not voting:

Messrs. Blizzard, Cosner, Cox, Grove, Lester, Neale (of Cabell), Swisher, Thomas, Vanmeter and Williams (of Ohio)—10.

So, a majority of those present and voting not having voted in the affirmative, the resolution was rejected.

The following communication was received from His Excellency, the Governor, and read by the Clerk:

FEBRUARY 18, 1919.

The Clerk of the House of Delegates.

MY DEAR SIR:

I have today approved the following enrolled bills:

House Bill No. 57
House Bill No. 104
House Bill No. 52
House Bill No. 110
House Bill No. 111
House Bill No. 198
House Bill No. 10
House Bill No. 50
House Bill No. 54
House Bill No. 156

Very truly yours,

J. J. CORNWELL, *Governor.*

A message from the Senate by Mr. Arnold, announced the adoption by that body of

Engrossed substitute for

SENATE CONCURRENT RESOLUTION NO. 6.

“Relating to the judgment of Virginia against West Virginia.”

WHEREAS, After protracted litigation, the supreme court of the United States by its decree entered in the suit of the commonwealth of Virginia against the state of West Virginia on the 14th of June, 1915, adjudged, ordered, and decreed that:

“The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of \$12,393,929.50, with interest thereon from July 1, 1915, until paid, at the rate of five per centum per annum, and that each party pay one-half of the costs;” which debt, interest and costs, under the terms of said decree, as of January 1, A. D. 1919, are as follows:

1915, July 1, principal.....	\$12,393,929.50
Interest thereon from July 1, 1915, to Jan. 1, 1919.	2,168,937.66

Total, principal and interest, as of said January 1,

1919.....	\$14,562,667.16
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to which is to be added one-half of the costs of said suit; and,

WHEREAS, The supreme court of the United States did on the 22nd day of April, 1918, upon a petition for a writ of mandamus, render an opinion, in said cause, a part of which is as follows:

“Giving effect to this view, accepting the things which are irrevocably foreclosed—briefly stated, the judgment against the state, operating upon it in all of its governmental powers, and the duty to enforce it, viewed in that aspect—our conclusion is that the case should be restored to the docket for further argument at the next term after the February recess. Such argument will embrace the three questions left open. First—The right, under the conditions previously stated, to award the mandamus prayed for. Second—If not, the power and duty to direct the levy of a tax, as stated; and, Third—If means for doing so be found to exist, the right, if necessary, to apply such other and appropriate equitable remedy by dealing with the funds, or taxable property of West Virginia, or the rights of that state, as may secure an execution of the judgment. In saying this, however, to the end that if, on such future hearing provided for, the conclusion should be that any of the processes stated are susceptible of being lawfully applied (repeating that we

do not now decide such question), occasion for a further delay may not exist, we reserve the right, if deemed advisable, at a day hereafter, before the end of the term or at the next term before the period fixed for the hearing, appoint a master for the purpose of examining and reporting concerning the amount and method of taxation essential to be put into effect, whether by way of order to the state legislature, or direct action to secure the full execution of the judgment, as well as concerning the means otherwise existing in the state of West Virginia, if any, which, by the exercise of the equitable powers in the discharge of the duty to enforce payment, may be available for that purpose; and,

WHEREAS, The only thing preventing the West Virginia debt commission and the Virginia debt commission from reaching an agreement for the settlement or adjustment of the debt as decreed by the supreme court of the United States was the matter of allowing West Virginia to hold in escrow sufficient of the proposed issue of bonds in payment of the debt to cover the value of the lost or unrepresented so called West Virginia certificates estimated to amount to one million one hundred thousand dollars until said certificates are discovered and presented to West Virginia for payment, if at all; and

WHEREAS, The Honorable Randolph Harrison, attorney for the Virginia Debt Commission, and representing the state of Virginia, appeared before a joint session of the legislature and, on behalf of the said state of Virginia, proposed if the legislature of West Virginia would elect to settle the said judgment, to accept in full settlement thereof a cash payment of \$1,062,867.16, with interest thereon at five per cent from the 1st day of January, 1919, until paid, and bonds of the state of West Virginia for the residue of \$13,500,000.00 to be dated January the 1st, 1919, and to bear interest at the rate of three and one-half per cent per annum payable semi-annually spread over a period of twenty years, and payable in gold coin and free from taxes in the state of West Virginia, and further agreed that the state of West Virginia may retain or hold in escrow in its treasury of said bonds a sufficient amount to cover the value of unrepresented so-called West Virginia certificates, and which such certificates shall be redeemed as they may be presented during the term of the bonds, and which certificates are now estimated to amount to about \$1,100,000, said bonds to be held and retained by the state of West Virginia unless and until said certificates are discovered and deposited with the state of Virginia and presented by it to the state

of West Virginia to be exchanged for bonds so retained in escrow as aforesaid, ratably; and,

WHEREAS, The state of West Virginia desires to accept the proposition of the debt commission of the commonwealth of Virginia and thereby comply with the decrees of said court and to satisfy the same as soon as practicable; therefore, be it

Resolved by the Senate, the House of Delegates concurring: That the offer of settlement of the judgment of the commonwealth of Virginia against the state of West Virginia, made by the Virginia Debt Commission, through the said Honorable Randolph Harrison to the joint session of the legislature, be, and the same is hereby accepted, and the committees on the subject of the Virginia debt of the respective houses are hereby directed to prepare and submit to the House and Senate a suitable bill or suitable bills, as soon as practicable for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, and provide the revenue to pay the principal and interest as the same may become due and payable, necessary to carry out the terms of such offer as hereinbefore set out.

And asked concurrence of the House therein.

On motion of Mr. McClintic, the House recessed until 2 o'clock,
P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

A message from the Senate by Mr. Arnold, announced the passage by that body of

Senate Bill No. 113—"A 'Budget Bill' making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budget Amendment.' "

And asked the concurrence of the House therein.

A message from the Senate by Mr. Luther, announced that the Senate had amended, and passed as amended, and asked the concurrence of the House in the amendments to

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county

ment for an allotment of such captured German ordnance as may be deemed desirable and appropriate, and by it further

Resolved, That the Governor of West Virginia hereby is requested to present to the Secretary of War a certified copy of this concurrent resolution.

On motion of the same gentleman, the rules were suspended, and the resolution (H. C. R. No. 12) taken up for immediate consideration, and adopted.

Ordered, That Mr. McClintic communicate to the Senate the adoption of the resolution (H. C. R. No. 12) and ask concurrence therein.

Unanimous consent being given,

On motion of Mr. Kuykendall,

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

On third reading, was taken up out of its regular order for immediate consideration, and read a third time.

On the passage of the bill,

The Clerk called the roll.

Pending the roll call,

On motion of Mr. Kuykendall, the announcement of the vote was made a special order for 10:40 o'clock, A. M., tomorrow.

The Speaker resumed the Chair.

On motion of Mr. Sarver, the House adjourned.

WEDNESDAY, FEBRUARY 19, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Starcher, the further reading of the Journal was dispensed with.

House Bill No. 46—"A Bill to amend and re-enact section twenty-five, relating to the distribution of state and federal aid to counties;

section forty, relating to the employment of assistant engineers, foremen, superintendents, clerks, agents and employees by the county road engineers; section forty-five, relating to purchase of materials for road construction; section one hundred and twelve, relating to the employment and compensation of guards by the sheriff and county road engineers and the working and distribution of prisoners on public roads; section one hundred and twenty-four, relating to the operation of motor vehicles, equipment, headlights, etc., of chapter sixty-six, Senate Bill number two hundred and eighty-four, acts of the legislature of one thousand, nine hundred and seventeen, and adding to said chapter section fourteen-a, relating to road schools, institutes and the education of road engineers and other road officials; section one hundred and thirty-two-a, relating to motor license year."

With Senate amendments, coming up in regular order for consideration.

"Sec. 5-a. That in addition to the assent given and the good faith pledged by the legislature by virtue of section five, of chapter sixty-six of the acts of one thousand nine hundred and seventeen, regular session, the legislature of West Virginia, hereby assents to the provision or provisions of any subsequent act of the congress or the appropriation thereby, making provision for the survey, construction or maintenance of rural post roads.

The state road commission is hereby authorized to enter into all contracts and agreements with the United States government relating to such survey, construction and maintenance as may be required by the secretary of agriculture or other officer having authority to enter into such contracts. For the construction and maintenance of rural post roads the good faith of the state is hereby pledged to make available funds sufficient to equal the sums which may be apportioned to the state, by or under the United States government, during each of such years as federal aid, may be so apportioned to this state."

On page eleven, section one hundred twenty-four, line eight, after the word "driven" by striking out the words "or otherwise,"

On page twelve, line sixteen, after the word "visible" by inserting the words "provided that such motor vehicle may be equipped with what is known as a search or spotlight, which shall not be used as a headlight for driving."

On page seven, at the end of section twenty-five, by inserting the following:

"Sec. 31. In addition to the general county and district levy the county court shall lay a district levy not to exceed fifteen cents on each one hundred dollars' assessed valuation of all taxable property in each of the several districts of said county, the proceeds of which shall be known as the district road fund of such district, and shall be expended only for the construction, improvement and maintenance of the district roads and parts thereof in said district, and for the construction and maintenance of bridges thereon after said roads are properly located. The county court of any county, with the written approval of the state tax commissioner, may lay a special district levy in excess of the district road levy hereinbefore provided, not to exceed fifteen cents on each one hundred dollars' assessed valuation of all the taxable property of the district to be known as a special district road levy for the construction, maintenance and improvement of the roads of such district, or the bridges thereon, for such year or years as may be named in such approval, but in no case shall the combined district road levy and special district road levy exceed thirty cents on each one hundred dollars' assessed valuation of the taxable property of said district. Nothing contained in section two of chapter twenty-eight-a of the code as amended shall be so construed as to limit the power and authority of the county court to lay the respective county and district road levies provided for in this section, though by so doing the total levies laid may exceed the limit provided by said section."

On page one, by striking out the enacting section and inserting in lieu thereof the following:

"That sections twenty-five, thirty-one, forty, forty-five, one hundred twelve and one hundred twenty-four of chapter sixty-six acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred thirty-two-a, be, and the same is hereby amended, enacted and re-enacted to read as follow:"

House Bill No. 46—"A Bill to amend and re-enact sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six, acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred and thirty-two-a."

On motion of Mr. McClaren the House agreed to the amendments proposed by the Senate.

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—72.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Coberly, Cox, Cuppett, Fortney (of Preston), Grove, Hale, Hickman, Houvouras, Kuykendall, Moran, McVey, Neale (of Cabell), Nutter, O'Connor, Taylor, Thomas, Vanmeter and Williams (of Ohio)—21.

Mr. McClaren moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—70.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Coberly, Coleman, Cox, Cuppett, Fortney (of Preston), Grove, Hall, Hickman, Houvouras, Jones, McCauley, Neale (of Cabell), Nutter, O'Connor, Pettigrew, Sarver, Stover, Sturm, Thomas, Vanmeter and Williams (of Ohio)—23.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 46) takes effect from its passage.

Ordered, That Mr. McClaren communicate to the Senate the concurrence of the House of Delegates in the passage of the bill as amended.

The hour having arrived to which the announcement of the vote on

House Bill No. 241—"A Bill providing for the issuance of bonds and prescribing the limitation of indebtedness for cities, towns and villages."

Was made a special order.

The Clerk announced the vote as follows:

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Coleman, Cox, Cuppett, Grove, Hickman, Howard, Lester, McCauley, McPherson, Neale (of Cabell), Nutter, Sarver, Thomas, Vanmeter and Williams (of Ohio)—16.

Ordered, That Mr. Kuykendall communicate to the Senate the passage of the bill (H. B. No. 241) and ask concurrence therein.

Mr. Blackhurst, from the Committee on Counties, Districts and Municipal Corporation, submitted the following report, which was received:

Your Committee on Counties, Districts and Municipal Corporations has had under consideration,

Senate Bill No. 192—"A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and

ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

H. BLACKHURST, *Chairman.*

Mr. McClintic offered the following resolution:

Resolved, That the debate on the resolution offered by Mr. McClintic and known as the Sturgiss resolution be limited to one hour on each side and the time shall be controlled by E. F. Moore on one side and by H. C. Richards for the other side, and at the conclusion of the debate, then a vote shall be had by yeas and nays upon the adoption of said resolution.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

The hour having arrived to which the resolution offered by Mr. McClintic, was made a special order, the Clerk reported the resolution as follows:

"Resolved, That the majority report this day submitted by the Committee on Judiciary in the matter of Wm. E. Glasscock and others, petitioners, against George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, be, and the same is hereby, adopted by the House of Delegates, and be it further

Resolved, That the members of said Judiciary Committee signing said majority report be, and they are hereby, appointed for the purpose of preparing articles of impeachment against the said George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, charging him with having unlawfully practiced the profession of law during his term of office as judge of the circuit court of Monongalia county, in violation of his oath of office, maladministration, corruption, and high crimes and misdemeanors, and, be it further

Resolved, That a committee of four, members of the House of Delegates, be appointed by the Speaker to conduct the impeach-

ment against the said George C. Sturgiss before the Senate on the part of the House of Delegates."

On the adoption of the resolution

The ayes were:

Messrs. Brand, Bray, Byrnes, Calhoun, Coberly, Coon, Cuppett, Ferguson, Fortney (of Preston), Hendricks, Hersman, Hickman, Houvouras, John, Kuykendall, Lantz, Moore, Moulds, McCauley, McClintic, McDermitt, Perin, Rankin, Rouss, Shaw, Shomo, Thurmond and Wolfe (Speaker)—28.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Capehart, Clements, Coleman, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, Hobbs, Howard, Jones, Kern, Mahan, Miller, Mollohan, Moran, Morris, Musser, McClaren, McPherson, McVey, Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Richards, Sarver, Scott, Spangler, Starcher, Stover, Sturm, Summers, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—55.

Absent and not voting:

Messrs. Blizzard, Cosner, Cox, Grove, Lester, Neale (of Cabell), Swisher, Thomas, Vanmeter and Williams (of Ohio)—10.

So, a majority of those present and voting not having voted in the affirmative, the resolution was rejected.

The following communication was received from His Excellency, the Governor, and read by the Clerk:

FEBRUARY 18, 1919.

The Clerk of the House of Delegates.

MY DEAR SIR:

I have today approved the following enrolled bills:

House Bill No. 57
House Bill No. 104
House Bill No. 52
House Bill No. 110
House Bill No. 111
House Bill No. 198
House Bill No. 10
House Bill No. 50
House Bill No. 54
House Bill No. 156

Very truly yours,

J. J. CORNWELL, *Governor.*

A message from the Senate by Mr. Arnold, announced the adoption by that body of
Engrossed substitute for

SENATE CONCURRENT RESOLUTION No. 6.

“Relating to the judgment of Virginia against West Virginia.”

WHEREAS, After protracted litigation, the supreme court of the United States by its decree entered in the suit of the commonwealth of Virginia against the state of West Virginia on the 14th of June, 1915, adjudged, ordered, and decreed that:

“The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of \$12,393,929.50, with interest thereon from July 1, 1915, until paid, at the rate of five per centum per annum, and that each party pay one-half of the costs;” which debt, interest and costs, under the terms of said decree, as of January 1, A. D. 1919, are as follows:

1915, July 1, principal...	\$12,393,929.50
Interest thereon from July 1, 1915, to Jan. 1, 1919.	2,168,937.66

Total, principal and interest, as of said January 1,

1919.....	\$14,562,667.16
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to which is to be added one-half of the costs of said suit; and,

WHEREAS, The supreme court of the United States did on the 22nd day of April, 1918, upon a petition for a writ of mandamus, render an opinion, in said cause, a part of which is as follows:

“Giving effect to this view, accepting the things which are irrevocably foreclosed—briefly stated, the judgment against the state, operating upon it in all of its governmental powers, and the duty to enforce it, viewed in that aspect—our conclusion is that the case should be restored to the docket for further argument at the next term after the February recess. Such argument will embrace the three questions left open. First—The right, under the conditions previously stated, to award the mandamus prayed for. Second—If not, the power and duty to direct the levy of a tax, as stated; and, Third—If means for doing so be found to exist, the right, if necessary, to apply such other and appropriate equitable remedy by dealing with the funds, or taxable property of West Virginia, or the rights of that state, as may secure an execution of the judgment. In saying this, however, to the end that if, on such future hearing provided for, the conclusion should be that any of the processes stated are susceptible of being lawfully applied (repeating that we

do not now decide such question), occasion for a further delay may not exist, we reserve the right, if deemed advisable, at a day hereafter, before the end of the term or at the next term before the period fixed for the hearing, appoint a master for the purpose of examining and reporting concerning the amount and method of taxation essential to be put into effect, whether by way of order to the state legislature, or direct action to secure the full execution of the judgment, as well as concerning the means otherwise existing in the state of West Virginia, if any, which, by the exercise of the equitable powers in the discharge of the duty to enforce payment, may be available for that purpose; and,

WHEREAS, The only thing preventing the West Virginia debt commission and the Virginia debt commission from reaching an agreement for the settlement or adjustment of the debt as decreed by the supreme court of the United States was the matter of allowing West Virginia to hold in escrow sufficient of the proposed issue of bonds in payment of the debt to cover the value of the lost or unrepresented so called West Virginia certificates estimated to amount to one million one hundred thousand dollars until said certificates are discovered and presented to West Virginia for payment, if at all; and

WHEREAS, The Honorable Randolph Harrison, attorney for the Virginia Debt Commission, and representing the state of Virginia, appeared before a joint session of the legislature and, on behalf of the said state of Virginia, proposed if the legislature of West Virginia would elect to settle the said judgment, to accept in full settlement thereof a cash payment of \$1,062,867.16, with interest thereon at five per cent from the 1st day of January, 1919, until paid, and bonds of the state of West Virginia for the residue of \$13,500,000.00 to be dated January the 1st, 1919, and to bear interest at the rate of three and one-half per cent per annum payable semi-annually spread over a period of twenty years, and payable in gold coin and free from taxes in the state of West Virginia, and further agreed that the state of West Virginia may retain or hold in escrow in its treasury of said bonds a sufficient amount to cover the value of unrepresented so-called West Virginia certificates, and which such certificates shall be redeemed as they may be presented during the term of the bonds, and which certificates are now estimated to amount to about \$1,100,000, said bonds to be held and retained by the state of West Virginia unless and until said certificates are discovered and deposited with the state of Virginia and presented by it to the state

of West Virginia to be exchanged for bonds so retained in escrow as aforesaid, ratably; and,

WHEREAS, The state of West Virginia desires to accept the proposition of the debt commission of the commonwealth of Virginia and thereby comply with the decrees of said court and to satisfy the same as soon as practicable; therefore, be it

Resolved by the Senate, the House of Delegates concurring: That the offer of settlement of the judgment of the commonwealth of Virginia against the state of West Virginia, made by the Virginia Debt Commission, through the said Honorable Randolph Harrison to the joint session of the legislature, be, and the same is hereby accepted, and the committees on the subject of the Virginia debt of the respective houses are hereby directed to prepare and submit to the House and Senate a suitable bill or suitable bills, as soon as practicable for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, and provide the revenue to pay the principal and interest as the same may become due and payable, necessary to carry out the terms of such offer as hereinbefore set out.

And asked concurrence of the House therein.

On motion of Mr. McClintic, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

A message from the Senate by Mr. Arnold, announced the passage by that body of

Senate Bill No. 113—"A 'Budget Bill' making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budget Amendment.' "

And asked the concurrence of the House therein.

A message from the Senate by Mr. Luther, announced that the Senate had amended, and passed as amended, and asked the concurrence of the House in the amendments to

House Bill No. 85—"A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county

in which such building or other structure may be located, and to lay levies therefor."

A message from the Senate by Mr. Bloch, announced the concurrence of that body in the passage of

House Bill No. 169—"A Bill authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education."

A message from the Senate by Mr. Fox, announced the concurrence of that body in the adoption of

HOUSE JOINT RESOLUTION No. 10.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to M. W. Hefner of Burnsville, West Virginia, a license to practice law in the courts of said state."

A message from the Senate by Mr. Scherr, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 22.

"Requesting the war department of the federal government to allot to the state of West Virginia certain captured German ordnance to be placed on the state house grounds."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Harmer, announced that the Senate had amended, and passed as amended, and asked the concurrence of the House in the amendments to

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-a of the code of West Virginia of one thousand nine hundred and thirteen."

A message from the Senate by Mr. Staats, announced the concurrence of that body in the passage of

House Bill No. 277—"A Bill relating to interest on high school bonds of Washington district, Pleasants county, West Virginia."

A message from the Senate by Mr. Scherr, announced that the Senate had amended, and passed as amended, and asked the concurrence of the House in the amendments to

House Bill No. 76—"A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one, relating to weights and measures."

On motion of Mr. Parsons, the rules were suspended and

Senate Bill No. 113—"A 'Budget Bill,' making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budget Amendment.'"

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Thurmond, Twyman, Vaughn, Weiss, Wyson and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Clements, Coberly, Cox, Grove, Houvouras, Mollohan, Neale (of Cabell), Nutter, Pedigo, Summers, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

Thereupon,

Mr. Hall demanded that the bill be read section by section

The demand being sustained, the Clerk proceeded to read the bill a second time, section by section.

Mr. Stover moved to amend the bill on page fifteen, section twenty, by adding thereto line twenty, as follows: "Current and contingent expenses of the free employment bureau "3000.00 3000.00",

Which amendment did not prevail.

On motions of Mr. Parsons, severally made, the bill was amended as follows:

On page fifteen, section twenty, in line nineteen, by striking out the figures "3000.00 3000.00" and inserting in lieu thereof the figures "2500.00 2500.00".

On page fifteen, section twenty-two, line two, by striking out the figures "\$32,860.00 \$37,970.00" and inserting in lieu thereof the figures "\$31,460.00 \$31,460.00".

Mr. Swisher moved to amend the bill on page thirty-one, section sixty-eight, line five, by striking out the figures "2500.00 2500.00" and inserting in lieu thereof the figures "5000.00 5000.00",

Which amendment did not prevail.

Mr. Swisher moved to amend the bill on page thirty-one, section thirty-eight, line ten, by striking out the figures "2500.00 2500.00" and inserting in lieu thereof the figures "5000.00 5000.00".

Mr. Moran moved to amend the bill on page thirty-three, by inserting the following section: "Section sixty-nine-a, Raleigh-Wyoming hospital. For the treatment of laborers and others who may become public charges, said amount to be paid upon approval of the state board of control for each year \$5000.00."

Thereupon,

Mr. Hall rose to the point of order that the proposed amendment was contrary to the law governing the matter of appropriations, and was, therefore, out of order.

Which point of order, the Chair held well taken.

Mr. McCauley moved to amend the bill by striking out section sixty-four, on page twenty-nine, and all that follows down to and including section seventy-m, on page thirty-seven, and

On that question,

Mr. Hall demanded the ayes and noes.

The demand being sustained, they were ordered taken.

Pending the discussion,

Mr. Pettigrew moved the previous question,

The question prevailing, the Speaker propounded the main question: "Shall the amendment proposed by Mr. McCauley, to strike out section sixty-four, on page twenty-nine, and all that follows down to and including section seventy-*m*, on page thirty-seven, be adopted?" and

On that question, the Clerk called the roll.

The ayes were:

Messrs. Bannister, Bland, Brand, Brammer, Calhoun, Cosner, Ferguson, Fitch, Hall, Hendricks, Hobbs, Kuykendall, Lantz, Lester, Mollohan, Morris, McCauley, McClintic, McDermitt, Neal (of Webster), Peck, Rankin, Rouss, Shaw, Spangler, Starcher, Summers and Thurmond—28.

The noes were:

Messrs. Anderson, Blackhurst, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Fortney (of Harrison), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Jones, Kern, Mahan, Miller, Moore, Moran, Moulds, McClaren, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Richards, Sarver, Scott, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—52.

Absent and not voting:

Messrs. Blizzard, Coberly, Cox, Cuppett, Fortney (of Preston), Grove, Musser, Neale (of Cabell), Shomo, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—13.

So, a majority of the members present and voting not having voted in the affirmative, the amendment did not prevail.

Mr. McClintic moved to amend the bill as follows:

Strike out on page twenty-nine, sections sixty-four, sixty-five, sixty-six, sixty-six-*a*, sixty-seven, sixty-eight, sixty-nine, seventy-*a*, seventy-*b*, seventy-*c*, seventy-*d*, seventy-*d*-two, seventy-*d*-three, seventy-*d*-four, seventy-*e*, seventy-*f*, seventy-*g*, seventy-*h*, seventy-*i*, seventy-*k* and seventy-*m* and insert as section sixty-four the following:

For the treatment of laborers and others who may become public charges, said amount to be paid upon approval of the State Board of Control in the manner hereafter set forth,..... \$60,000.00 \$60,000.00

January 1, 1920, and every six months thereafter any hospital, other than state hospitals, within the state and doing charity work, may file with the state board of control itemized bills for all charity cases treated during the preceding six months, said bills to be made out in the form prescribed by and at the rates fixed by said board. Sixty days shall be allowed for filing said bills after which time the board of control shall audit the same and pay all proper claims. If, however, the aggregate of all claims filed exceeds one-half of the amount appropriated for the year then said board shall apportion the said one-half appropriated so that each claim will receive its pro-rata share.

Thereupon,

Mr. Richards rose to the point of order that the amendment proposed by Mr. McClintic was out of order, for the reason that it is contrary to the law governing the matter of appropriations, under sub-section-b, third: "The legislature shall not amend the budget bill so as to create a deficit, but may amend the bill by increasing or diminishing the items therein relating to legislature, and by increasing the items therein relating to the judiciary, but except as hereinbefore specified, may not alter the said bill, except to strike out or reduce items therein."

Which point of order the Chair held not well taken, stating:

"The Chair is of the opinion that by decreasing the amount relating to the same subject matters, that the only effect would be to increase or decrease the number of hospitals provided for, and the proposed amendment would be in order."

The question recurring on the adoption of the amendment proposed by Mr. McClintic,

On that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Bray, Calhoun, Cosner, Ferguson, Hall, Hamilton, Harvey, Hendricks, Hobbs, Kern, Kuykendall, Lantz, Lester, Mallohan, Moran, Morris, Moulds, McCauley, McClintic, Neal (of Webster), Peck, Perin, Rankin, Rouss, Shaw, Spangler, Starcher, Summers, Taylor and Thurmond—35.

The noes were:

Messrs. Brammer, Byrnes, Capehart, Clements, Coberly, Coleman, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hays, Hersman, Hickman, Hilleary, Houvouras, Howard, Jones, Mahan, Miller, Moore, Musser, McClaren, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Pedigo, Pettigrew, Pridemore, Richards, Sarver, Scott, Stover, Sturm, Swisher, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—47.

Absent and not voting:

Messrs. Blizzard, Coon, Cox, Grove, John, Neale (of Cabell), Shomo, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—11.

So, a majority of the members present and voting not having voted in the affirmative, the amendment did not prevail.

Pending the reading of the bill (S. B. No. 113), section by section, and the amendments thereto,

On motion of Mr. Kuykendall, the House recessed until 7 o'clock, P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

A message from the Senate by Mr. Hough, announced the passage by that body of

Senate Bill No. 189—"A Bill creating a department of state patrol, providing for the appointment of a commissioner, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of said state patrol for misconduct in office and fixing their fees."

And asked the concurrence of the House therein.

On motion of Mr. McClintic, the rules were suspended and

Senate Bill No. 189—"A Bill creating a department of state patrol, providing for the appointment of a commissioner, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of said state patrol for misconduct in office and fixing their fees."

On first reading, was taken up out of its regular order for immediate consideration.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The further consideration of

Senate Bill No. 113—"A 'Budget Bill' making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the Constitution of the state of West Virginia, known as the 'Budget Amendment.'"

On second reading at the time of the recess was resumed.

On motions of Mr. Parsons, severally made, the bill was amended as follows:

On page forty-one, section seventy-three, line twenty-six, insert after line twenty-six the following:

One librarian at \$6.00 per day.....	\$270.00
Chief floor page at \$5.00 per day.....	225.00
Two gallery door keepers at \$6.00.....	540.00

On page forty-one, section seventy-three, line twenty-two, change the figures

\$4.00 to \$6.00 and strike out \$900.00
and insert in lieu thereof \$1,350.00.

On page forty-one, section seventy-three, line twenty-five, strike out

\$5.00 and insert \$6.00.

Strike out \$225.00 and insert in lieu thereof \$270.00.

On motion of Mr. Moore, the bill was amended on page forty-two, section seventy-three, line forty-one, by striking out "\$20,000.00" and inserting in lieu thereof "\$23,500.00."

Mr. Pettigrew moved to strike out all of section seventy-three-b.

Which motion did not prevail.

Hon. Houston G. Young, Secretary of State, appeared at the bar of the House and presented the following communication:

Gentlemen of the Senate and House of Delegates:

In compliance with the amendment to the constitution of the state of West Virginia ratified at the last general election, the undersigned members of the board of public works submit to your honorable bodies an amendment and supplement to the "Budget Bill," which amendment and supplement are hereto attached. The consent of your honorable bodies to receive said amendment and supplement so that the same may become a part of the "Budget Bill" is respectfully requested.

Respectfully submitted,
THE BOARD OF PUBLIC WORKS,

J. J. CORNWELL,
Governor.

HOUSTON G. YOUNG,
Secretary of State.

E. T. ENGLAND,
Attorney-General.

M. P. SHAWKEY,
Superintendent of Free Schools.

J. H. STEWART,
Commissioner of Agriculture.

Dated February, 1919.

Third amendment and supplement to the "Budget Bill," in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budget Amendment."

(Page references to Engrossed Senate Bill No. 113.)

On page three, section four, lines twenty-four and twenty-five, strike out all of lines twenty-four and twenty-five, and insert in lieu thereof the following:

"Salary of the state commissioner of health (not to exceed the amount fixed by general law)..... \$4,800.00 \$4,800.00"

On page fifty-six, section seventy-seven, line thirteen, strike out the figures "\$1,800.00 \$1,800.00" and insert in lieu thereof the figures "\$2,900.00 \$2,900.00".

Same line, insert after the word "schools," the following: "(not to exceed the amount fixed by general law)."

On page fifty-six, section seventy-seven, lines thirteen-*a* and thirteen-*b*, strike out all of said lines, and insert in lieu thereof the following:

"Salary of two advisory members of state board of education (not to exceed the amount fixed by general law)..... \$2,000.00 \$2,000.00"

"expenses of two advisory members of state board of education..... 500.00 500.00"

On motion of Mr. Kuykendall the bill was amended

On page fifty-five, line eighteen, after the word "was" by inserting the words "the amount to be determined by the state board of control, and paid on approval of said board, not to exceed".

Mr. Kuykendall moved to amend the bill on page sixty-one, section seventy-nine, by striking out lines forty-one, forty-two and forty-three.

Which motion did not prevail.

On motions of Mr. Cuppett, severally made, the bill was amended as follows:

On page sixty-two, section eighty-three, line eight, change figures "\$12,000.00 to \$7,000.00", and "\$5,000.00 to \$4,000.00".

On page sixty-three, section eighty-three, line twelve, after the word "disbursed" strike out "on the requisition of the chief inspector," and insert "upon presentation of the bills by the chief inspector to the state compensation commissioner, in the same manner as other disbursements are made from the workmen's compensation fund."

Mr. Coon moved to amend the bill on pages sixty-two and sixty-three by striking out beginning with line eight-a down to and including line eight-g.

Which motion did not prevail.

On motion of Mr. Starcher the bill was amended

On page forty-one, section seventy-three, page twenty, after the word "at" strike out "\$3.00 per day, \$1980.00" and insert "\$4.00 per day, \$1980.00".

On motion of Mr. Hall the bill was amended as follows:

On page twenty-five, section forty-nine, line thirteen, after the word "Morgantown" by striking out \$65,000.00 for each year and inserting in lieu thereof the words "by condemnation under the laws of this state, for its true and reasonable value, not exceeding \$130,000, the residue to be applied to the erection of buildings".

Mr. Anderson moved to amend the bill on page forty, section seventy-three, line nine, by striking out after the word "at" the words and figures "\$6.00 per day \$1,080.00" and inserting in lieu thereof the words and figures "\$8.00 per day \$1440.00".

Which amendment did not prevail.

On motion of Mr. McClintic the bill was amended as follows:

On page thirty-eight, section seventy-two, line twenty-one, after the word "at" strike out the words and figures "\$3.00 per day \$1485.00" and insert in lieu thereof the words and figures "\$4.00 per day \$1980.00".

On motion of Mr. Thurmond the bill was amended as follows:

On page thirty-eight, section seventy-two, line sixteen, strike out after the figures "\$8.00" the words "per day" and the figures "\$360" and insert in lieu thereof the words "for one day only \$8.00".

On motion of Mr. Parsons, severally made, the bill was amended as follows:

On page three, section four, lines twenty-four and twenty-five, strike out all of lines twenty-four and twenty-five and insert in lieu thereof the following:

"Salary of the State Commissioner or Health (not to exceed the amount fixed by general law),..... \$4,800.00 \$4,800.00"

On page fifty-six, section seventy-seven, line thirteen, strike out the figures "1800.00 1800.00" and insert in lieu thereof the figures "2,900.00 2,900.00". Same line, insert after the word "schools" the following: "(not to exceed the amount fixed by general law)".

On page fifty-six, section seventy-seven, lines thirteen-a and thirteen-b, strike out all of said lines, and insert in lieu thereof the following:

"Salary of the advisory members of state board of education (not to exceed the amount fixed by general law),..... 2,000.00 2,000.00"

"Expenses of two advisory members of state board of education,..... 500.00 500.00"

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of Mr. Parsons, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan,

Miller, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Shomo, Starcher, Stover, Sturm, Summers, Taylor, Thomas, Twyman, Vaughn, Weiss, Wysong and Wolf (Speaker)—65.

The noes were:

Messrs. Calhoun, Cosner, Ferguson, Hall, Harvey, Hersman, Lantz, Mollohan, McPherson, Rankin, Shaw, Swisher and Thurmond—13.

Absent and not voting:

Messrs. Blackhurst, Blizzard, Coberly, Cox, Godfrey, Grove, Lester, Morris, Neale (of Cabell), Neal (of Webster), Scott, Spangler, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—15.

Mr. Parsons moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Mahan, Miller, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shomo, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—71.

The noes were:

Messrs. Cosner, Harvey, Lantz, Mollohan and Shaw—5.

Absent and not voting:

Messrs. Blackhurst, Blizzard, Coberly, Cox, Ferguson, Godfrey, Grove, Kuykendall, Lester, Morris, Neale (of Cabell), Neal (of Webster), Scott, Spangler, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—17.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 113) takes effect from its passage.

Ordered, That Mr. Parsons communicate to the Senate the concurrence of the House of Delegates in the passage of the bill as amended.

On motion of Mr. Parsons

House Bill No. 105-a—"A 'Budget Bill' making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the 'Budgment Amendment.' "

Was laid on the table.

House Bill No. 300—"A Bill to create the Municipal Corporation of the city of Richwood, in the county of Nicholas, to grant a charter thereto and to annul the charter of the town of Richwood."

On second reading, coming up in regular order for consideration was read a second time and ordered to its engrossment and third reading.

House Bill No. 249—"A Bill fixing the annual allowance to the clerk of the county court of McDowell county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—72.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bland, Blizzard, Cox, Godfrey, Grove, Hall, Hilleary, Houvouras, Lester, Morris, Neale (of Cabell), Neal (of Webster), Parsons, Rouss, Scott, Spangler, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—21.

Ordered, That Mr. McClaren, communicate to the Senate the passage of the bill (H. B. No. 249) and ask concurrence therein.

Senate Bill No. 206—"A Bill to amend and re-enact section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session of one thousand nine hundred and seventeen, and add section forty-two-a to said chapter."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Unanimous consent being given,

Mr. Kuykendall offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 14.

WHEREAS, On Tuesday, February eighteenth, Senator William E. Chilton, upon the invitation of the Senate and House of Delegates, addressed a joint assembly of these two bodies on the question of the recovery by the state of West Virginia against the United States government in the matter of settlement for the northwest territory; and

WHEREAS, It is the opinion of the members of the House of Delegates, the Senate concurring therein, that this matter should be further looked into; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein, That a committee of five members, three to be named by the Speaker of the House and two to be named by the President of the Senate, be appointed with authority and at the direction of the legislature to make further investigation regarding the advisability of pursuing further the matter of undertaking the recovery against the United States government; and

Resolved further, That said Committee be, and it is hereby authorized to employ such legal assistance as in its judgment may be deemed advisable; and

Resolved, further, That the members of said committee shall receive for their services the same pay, mileage and per diem as members of the legislature for time actually consumed and their actual expenses; and

Resolved, further, That said mileage and per diem and the actual expense account shall be paid by the auditor upon a warrant duly issued and signed by the chairman of said committee; and

Resolved, further, That said committee shall report its findings to the next regular session of the legislature, or to any special session of the same.

Which, under the rules, lies over one day.

Unanimous consent being given,

Mr. McCauley offered the following resolution:

HOUSE JOINT RESOLUTION NO. 15.

WHEREAS, There is a bill now pending in the congress of the United States, known as House of Representatives Bill 13651, designed to aid soldiers, sailors and marines in acquiring homes and farms, the provisions of which bill, in full, are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be immediately available and to remain available until expended, the sum of \$100,000,00, to be expended under the direction of the secretary of the interior, for the investigation, irrigation, drainage, and development of swamp, arid, waste, and undeveloped lands for the purpose of providing employment and farms with improvements and equipment for honorably discharged soldiers, sailors, and marines of the United States, including necessary expenditures for personal services in the District of Columbia and elsewhere and the purchase, maintenance, hire, and operation of motor-propelled or horse-drawn vehicles. The lands reclaimed hereunder shall be disposed of, under general regulations approved by the secretary of the interior, in such manner and under such terms and conditions as shall insure the reimbursement of the investment of the United States or others therein, during a term not exceeding forty years from date of entrance upon the land by the settler, together with interest from such date at four *per centum per annum*. The money herein appropriated shall be expended in the development of one or more projects in each of the several states, if feasible projects be found therein.

The secretary of the interior is authorized to make any contracts or arrangements and to do any or all acts necessary in his opinion, including the disposition of public lands, the acquisition of lands or property needed for rights of way or other purposes in connection with the development of any project by purchase or condemnation, for carrying out the purposes hereof; and

WHEREAS, This legislature is of the opinion that it is desirable that the federal government as well as the states, counties, municipalities, corporations and individual citizens do everything possible to provide employment for returning soldiers, sailors and marines and to aid them in establishing homes, and

WHEREAS, There are large areas of lands in West Virginia which might be utilized in carrying out the work the aforementioned bill entrusts to the secretary of the interior, therefore, be it

Resolved, That the senators and representatives from this state in the congress of the United States be requested to support said bill, with or without amendments as they shall deem advisable, and

Resolved, further, That a copy of this resolution be sent by the Clerks of this legislature to each of our senators and representatives in congress.

Which, under the rules, lies over one day.

On motion of Mr. McCauley, the resolution was made a special order for tomorrow, Thursday, February 20th, at 11 o'clock, A. M.

Mr. Moore asked unanimous consent to take up for immediate consideration

Senate Bill No. 178—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

Which consent was not given, Mr. Mollohan objecting.

Mr. Moore then moved that the bill (S. B. 178), be taken up for immediate consideration.

Which motion did not prevail.

House Bill No. 281—"A Bill amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Shomo, Spangler,

Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, We/ss, Williams (of Pleasants) and Wolfe (Speaker)—79.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Cox, Godfrey, Grove, Morris, Neale (of Cabell), Neal (of Webster), Rouss, Scott, Vaughn, Vanmeter, Williams (of Ohio), and Wysong—14.

Mr. Mollohan moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—75.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Cox, Godfrey, Grove, Morris, Musser, Neale (of Cabell), Neal (of Webster), Peck, Rouss, Scott, Shomo, Starcher, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—18.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 281) takes effect from its passage.

Ordered, That Mr. Mollohan communicate to the Senate the passage of the bill and request concurrence therein.

Senate Bill No. 236—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one ef thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Bray reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Senate Bill No. 192—"A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Hobbs laid over retaining its place on the local calendar.

Senate Bill No. 214—"A Bill to amend and re-enact section one of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-e-two, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred twelve-a of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, nine-two, ninety-four, ninety-six, ninety-seven, one hundred one, and one hundred two of the acts of West Virginia, regular session of the legislature one thousand nine hundred and seventeen; to rearrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit courts in the several counties therein."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. McClintic, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

Mr. John asked unanimous consent to take up for immediate consideration

Senate Bill No. 129—"A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one, as amended by chapter fifty-eight, acts

of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors; and to further amend said chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-*a*, thirty-one-*b*, thirty-seven and thirty-eight, inclusive, as parts of said chapter thirty-two-*a*, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

Which consent was not given, Mr. Kuykendall objecting.

Unanimous consent being given,

On motion of Mr. Sarver,

Senate Bill No. 45—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, and to renumber the sections thereof; and to amend and re-enact sections three, four and ten of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

On third reading, was taken up out of its regular order for consideration, read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—74.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Cox, Godfrey, Grove, Hamilton, Morris, Musser, Neale (of Cabell), Neal (of Webster), Pedigo,

Rouss, Scott, Shomo, Taylor, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—19.

Ordered, That Mr. Sarver communicate to the Senate that the House of Delegates has amended and passed as amended, with its title (S. B. No. 45) and ask concurrence therein.

Unanimous consent being given,

Mr. McClintic offered the following resolution:

HOUSE CONCURRENT RESOLUTION NO. 13.

“Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and nineteen.”

Resolved by the House of Delegates, the Senate concurring therein:

That the clerks of the two houses are hereby directed to have printed by the public printer, two thousand five hundred advance copies of the acts of this session exclusive of municipal charters, properly headnoted, and with a full table of contents, and in paper binding, for distribution among the members of the legislature, judges of the supreme court of appeals, and of the circuit, criminal and intermediate courts, circuit and county clerks, sheriffs and prosecuting attorneys.

Said public printer shall print and deliver said advance copies to the Clerks of the two Houses as soon as possible after the adjournment of this session. Upon receipt of the same, the Clerks shall, without delay, forward by mail or express to each member of the Senate and House of Delegates at least ten of said advance copies, and one copy to each of the officials hereinbefore enumerated, and ten copies to each of the state officials. The said Clerks are also authorized and directed to have printed in signature form or advance sheets, any general law which they may deem of sufficient importance, to be issued and distributed in that form. The sum of two hundred dollars out of the contingent fund of the House and one hundred dollars out of the contingent fund of the Senate is hereby directed to be paid by the auditor upon proper warrants drawn by the Clerk of the Senate and sergeant-at-arms of the House, respectively, to pay the postage or expressage on said advance copies.

For the extra work provided for in this resolution, the time of said Clerks and one assistant clerk from each House is extended for sixty days, the per diem to be paid out of the contingent fund of the Senate and House, respectively, upon proper warrants being

drawn therefor by the Clerk of the Senate and Sergeant-at-Arms of the House, and the auditor is hereby authorized and directed to pay the same.

On the further motion of the same gentleman, the resolution (H. C. R. No. 13) was taken up for immediate consideration and adopted.

Unanimous consent being given,

On motion of Mr. John

Senate Bill No. 129—"A Bill to amend and re-enact sections three and four of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one, as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors; and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-a, thirty-one-b, thirty-seven and thirty-eight, inclusive, as parts of said chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.' "

On second reading, was taken up out of its regular order, read a second time and ordered to its third reading.

Mr. Twyman moved that the House adjourn.

Which motion did not prevail.

Unanimous consent being given,

On motion of Mr. Moran

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

On second reading, was taken up for immediate consideration and read a second time.

On motion of Mr. John, the bill was amended on page one, section one, lines three and four by striking out six thousand dollars (\$6,000.00) and inserting in lieu thereof the words "five thousand dollars (\$5,000.00)."

On motion of Mr. Anderson, the bill was amended on page one by striking out all of section two.

Mr. Brand moved to amend the bill on page one, line two, by striking out the word "nineteen" and inserting in lieu thereof the word "twenty-one."

Which motion did not prevail.

Mr. Twyman moved to amend the bill by striking out the enacting clause.

Which motion did not prevail.

The bill (H. B. No. 226) was then ordered to its engrossment and third reading.

On motion of Mr. Kuykendall, the House adjourned.

THURSDAY, FEBRUARY 20, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Sarver, the further reading thereof was dispensed with.

The following communications were received from the Senate, read by the Clerk and ordered printed in the Journal:

CHARLESTON, W. VA., Feby. 19, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates.

DEAR SIR:

The Senate has this day rejected House Bill oN. 34, relating to animals running at large, and prescribing a penalty therefor.

The bill is returned herewith.

Yours very truly,

JOHN T. HARRIS,

Clerk of the Senate.

CHARLESTON, W. VA., February 19, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates.

SIR:

The Senate this day reconsidered Senate Bill No. 178.

"An act to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

And again passed the bill, notwithstanding the objection of the Governor, a majority of the members elected to the Senate voting in favor of the bill. The bill, together with the Governor's communication of disapproval, are herewith transmitted for action upon the same by your honorable body.

Yours very truly,

JOHN T. HARRIS,

Clerk of the Senate.

The following communication was received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal: *To the President and Members of the Senate:*

I return herewith Senate Bill No. 178 with my very cordial disapproval.

The Constitution of the state requires that I state my reasons, which I do very frankly, but I hope no member will construe anything I may say as a reflection on his action in supporting the measure or on the motives which inspired that support. I feel that its real purpose and certain effect, if it becomes a law, have not been understood and appreciated by the members of the Senate, by the newspapers and by the people of the state; otherwise, there would have gone up a protest against it that would have stirred the state from one end to the other.

The bill, if it becomes a law over my objection, will legalize gambling in its most hideous, in its largest and most demoralizing form.

It will make a monopoly of a certain kind of gambling at races through the utilization of certain machines, whose ownership and control present an interesting question, one the legislature might inquire into if it should be determined to make this measure a law.

These "pari-mutual machines," gambling devices, are to be operated under rules to be laid down by a state racing commission to be appointed within the very brief period of fifteen days after the act becomes effective, by the state tax commissioner. This bill, if a law, will not only make the state the stakeholder in the biggest of all gambling games, but it makes it the manager of the game and

allows it to take a rake-off of one per cent., an insignificant percentage for the dirty work to be done.

Every misguided person who gambles away a dollar on a horse-race, under this act, on one of the "pari-mutual" machines" which the state will indirectly operate, will, in his hours of regret and remorse, reflect upon the fact that the state of West Virginia legalized the machine that robbed him and that the state took a part of his money, as its toll.

The legislature and the courts have outlawed the slot-machines and the gambling houses, yet this bill legalizes a gambling machine that will take into its capacious maw not pennies or nickels, but dollars by the hundred and by the thousand.

I do not believe the people of West Virginia want revenue derived from the gaming table. I do not believe they want the state to conduct a gambling game and take a rake-off from it. If they do, they should require the agent or owner of the machine to pay in a part of his percentage also. If they do want it they must get it without my consent or approval.

If we are to raise revenue in that way, why not legalize slot-machines, open up poker and faro joints, establish roulette wheels and go into the business on a big scale? Why be a piker? Why not let the tax commissioner appoint a general gambling commission to supervise all kinds of gambling? If you will do that you can run your state government and pay off the Virginia debt judgment in one year from the proceeds. Why go into *one* game and allow that to be monopolized?

I admit some new race tracks would be built. I admit people would be attracted into the state from the outside. But who would come? Most of them would be "touts," gamblers, confidence men and shell-game artists, the kind that follow the races where this kind of gambling is permitted.

Any man who has seen the crowd attending the races where this gambling is authorized and practiced knows that I am not overstating the case. He also knows that in the wake of these gambling orgies is a train of defalcations of persons who can not resist the temptation to hazard other people's money in the exciting moments of a horse-race.

I am not opposed to horse-racing. It is permissible under our laws, at present. I *am* opposed to making the state the manager of a gambling device, patented and upon which there is a monopoly, and having it share in the profits—take a rake-off—from the most

injurious and demoralizing kind of gambling and I am amazed that newspapers interested in public morals should have approved this measure instead of denouncing it and am surprised that pulpits have not resounded with protests against it.

Notwithstanding, some strange influence has been exerted to stupefy the public conscience while this bill has been piloted through the legislature, I can not and will not give it my approval.

For the foregoing reasons it is vetoed.

Respectfully submitted,

JNO. J. CORNWELL, *Governor*.

Senate Bill No. 178—"A Bill to encourage the breeding of horses, the establishment of fairs and to regulate the holding of fairs, race meetings and the running of horses in the state of West Virginia, and to establish a state racing commission to control the same and describing its powers and uses."

With Governor's veto, coming up in regular order for consideration, was reported by the Clerk.

Pending the discussion of the bill,

Mr. Twyman moved the previous question,

The question prevailing, the Speaker propounded the main question: "Shall the bill (S. B. No. 178) be passed, notwithstanding the Governor's veto?"

On that question, the Clerk called the roll,

On the passage of the bill,

The ayes were:

Messrs. Capehart, Hackney, Hale, Hays, Jones, Miller, Moran, McClaren, McDermitt, McPherson, McVey, Otto, Pedigo, Pettigrew, Scott, Stover, Weiss, Williams (of Ohio) and Wysong—19.

The noes were:

■ Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hall, Hamilton, Harvey, Hersman, Hickman, Hilleary, Houvouras, Howard, John, Kuykendall, Lantz, Lester, Mahan, Moore, Morris, Moulds, Musser, McCauley, McClintic, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pridemore, Rankin, Rouss, Sarver, Shaw, Spangler, Sturm, Taylor, Thomas, Thurmond, Twyman, Vaughn and Wolfe (Speaker)—57.

Absent and not voting:

Messrs. Blizzard, Coleman, Cox, Godfrey, Grove, Hendricks, Hobbs, Kern, Mollohan, Parsons, Richards, Shomo, Starcher, Summers, Swisher, Vanmeter and Williams (of Pleasants)—17.

So, a majority of the members present and voting not having voted in the affirmative, the bill (S. B. No. 178) was rejected.

A message from the Senate, by

Mr. Staats, announced the passage by that body of

Senate Bill No. 195—"A Bill to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled 'An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia, entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia.'"

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Chapman, announced that the Senate had amended, by substitution, and passed as amended by substitution, and asked the concurrence of the House in the substitute for

HOUSE JOINT RESOLUTION No. 6.

"Authorizing and directing the supreme court of appeals of West Virginia to grant to Boyd Adkins, of Wayne, and W. R. Meservie, of Ritchie county, West Virginia, licenses to practice law in the courts of this state.

WHEREAS, Boyd Adkins, of Wayne, and W. R. Meservie, of Ritchie county, West Virginia, are shown to be gentlemen of good moral character, over twenty-one years of age, and citizens of said state, having resided therein all their lives; and

WHEREAS, It is well recognized that the said Boyd Adkins and W. R. Meservie have the qualifications of able lawyers, though they

do not have the educational requirements to enter law college or the state bar examinations for a license to practice law; and

WHEREAS, It is shown that the said Boyd Adkins and W. R. Meservie have arrived at the age making it impracticable for them to enter school and acquire the educational qualifications aforesaid, therefore be it

Resolved by the legislature of West Virginia, the Senate and House of Delegates both concurring therein, That the supreme court of appeals of West Virginia be and is hereby authorized and required to issue to the said Boyd Adkins and W. R. Meservie licenses to practice the law in the courts of this state.

Unanimous consent being given,

On motion of Mr. Twyman, the resolution was taken up for immediate consideration.

The substitute for House Joint Resolution No. 6, proposed by the Senate, was reported by the Clerk and agreed to.

The resolution, as amended by substitute, was then adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Coberly, Coleman, Coon, Cosner, Cunningham, Ferguson, Fortney (of Harrison), Godfrey, Hackney, Hall, Hamilton, Harvey, Hays, Hersman, Hobbs, Howard, Jones, Kern, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McVey, Neal (of Webster), O'Connor, Otto, Peck, Pettigrew, Rankin, Rouss, Sarver, Shaw, Spangler, Stover, Sturm, Summers, Taylor, Thomas, Twyman, Vaughn, Weiss and Wolfe (Speaker)—54.

The noes were:

Messrs. Anderson, Brand, Capehart, Clements, Cuppett, Hickman, John, Lantz, Pedigo, Perin and Scott—11.

Absent and not voting:

Messrs. Blizzard, Cox, Fitch, Fortney (of Preston), Grove, Hale, Hendricks, Hilleary, Houvouras, Kuykendall, Lester, Moore, McClintic, McDermitt, McPherson, Neale (of Cabell), Nutter, Parsons, Pridemore, Richards, Shomo, Starcher, Swisher, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—28.

Ordered, That Mr. Peck communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution, as amended by substitution.

A message from the Senate by Mr. Stewart, announced the adoption by that body of

SENATE JOINT RESOLUTION NO. 16.

"Proposing an amendment to the constitution of the state by adding thereto as part thereof article fifteen, to be designated by the title, 'Municipal Home Rule.' "

Resolved by the Legislature of West Virginia, two-thirds of all members elected to each House agreeing thereto:

That the following amendment to the constitution of this state, to be therein set forth as article fifteen thereof, and designated by the title, "Municipal Home Rule," be and the same is hereby agreed to, to-wit:

ARTICLE XV.

MUNICIPAL HOME RULE.

Section 1. *Incorporation and Organization.* Provision shall be made by a general law for the incorporation of cities and villages; and by a general law for the organization and government of cities and villages which do not adopt laws or charters in accordance with the provisions of sections two and three of this article.

Sec. 2. *Optional Laws.* Laws may be enacted affecting the organization and government of cities and villages, which shall become effective in any city or village only when submitted to the electors thereof and approved by a majority of those voting thereon.

Sec. 3. *City Charters.* Any city may frame and adopt a charter for its own government in the following manner:

The legislative authority of the city may by a two-thirds vote of its members, and, upon the petition of ten per cent of the qualified electors, shall forthwith provide by ordinance for the submission to the electors of the question: "Shall a commission be chosen to frame a charter?" The ordinance shall require that the question be submitted to the electors at the next regular municipal election, if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise, at a special election to be called and held within the time aforesaid; the ballot containing such question shall also contain the names of candidates for members of the proposed commission, but without party designation.

Such candidates shall be nominated by petition, which shall be signed by not less than two per cent of the qualified electors, and be filed with the election authorities at least thirty days before such election; *provided*, that in no case shall the signatures of more than

one thousand electors be required for the nomination of any candidate. If a majority of the electors voting on the question of choosing a commission shall vote in the affirmative, then the fifteen candidates receiving the highest number of votes shall constitute the charter commission and shall proceed to frame a charter.

Any charter so framed shall be submitted to the qualified electors of the city at an election to be held at a time to be determined by the charter commission, which shall be at least thirty days subsequent to its completion, and not more than one year from the date of the election of the charter commission. The commission shall make provision for the distribution of copies of the proposed charter among the qualified electors of the city, or for giving them by other means notice of its contents, not less than thirty days before the election at which it is voted upon. Such proposed charter, if approved by a majority of the electors voting thereon, shall become the organic law of such city at such time as may be fixed therein, and shall supersede any existing charter and all laws affecting the organization and government of such city which are in conflict therewith. Within thirty days after its approval the election authorities shall certify a copy of such charter to the secretary of state, who shall file the same as a public record in his office, and the same shall be published as an appendix to the session laws enacted by the legislature.

Sec. 4. *Amendments.* Amendments to any such charter may be framed and submitted by a charter commission in the manner provided in section three for framing and adopting a charter. Amendments may also be proposed by the legislative authority of the city, provided that two-thirds, at least, of such authority concur therein. Amendments proposed by the legislative authority of the city may be submitted at a regular election only. The legislative authority of the city shall make provision for the distribution of copies of amendments proposed by them among the qualified electors of the city, or for giving the electors notice by other means of the contents of such amendments, not less than thirty days before the election at which they are to be voted upon. Any amendment, the submission of which is provided for by this section, upon being approved by a majority of the electors voting therefor, shall become a part of the charter of the city at the time fixed in the amendment, and shall be certified to and filed and published by the secretary of state as in the case of a charter.

Sec. 5. *Powers.* Each city shall have and is hereby granted the authority to exercise all powers relating to municipal affairs; and no enumeration of powers in this constitution or any law shall be

deemed to limit or restrict the general grant of authority hereby conferred; but this grant of authority shall not be deemed to limit or restrict the power of the legislature, in matters relating to state affairs, to enact general laws applicable alike to all cities of the state.

The following shall be deemed to be a part of the powers conferred upon cities by this section:

(a) To levy, assess and collect taxes and to borrow money, within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(b) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(c) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(d) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the city, a franchise stating the terms upon which, in case of a foreclosure, the purchaser may operate such utility.

(e) To organize and administer public schools and libraries, subject to the general laws establishing a standing of education for the state.

(f) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Sec. 6. Reports. General laws may be passed requiring reports from cities as to their transactions and financial condition, and providing for the examination by state officials of vouchers, books, books of account and records of all municipal authorities, or of public undertakings conducted by such authorities.

Sec. 7. Elections. All elections and submission of questions provided for in this article or in any charter of law adopted in accord-

ance herewith shall be conducted by the election authorities provided by general law.

And asked the concurrence of the House therein.

A message from the Senate by Mr. Poling, announced the concurrence of that body in the passage of

House Bill No. 280—"A Bill to amend and re-enact section three of chapter nineteen on municipal charters of the acts of the legislature of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason."

The hour having arrived to which

HOUSE JOINT RESOLUTION No. 15.

WHEREAS, There is a bill now pending in the congress of the United States, known as House of Representatives Bill 13651, designed to aid soldiers, sailors and marines in acquiring homes and farms, the provisions of which bill, in full, are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be immediately available and to remain available until expended, the sum of \$100,000.00, to be expended under the direction of the secretary of the interior, for the investigation, irrigation, drainage and development of swamp, arid, waste and undeveloped lands for the purpose of providing employment and farms with improvements and equipment for honorably discharged soldiers, sailors and marines of the United States, including necessary expenditures for personal services in the District of Columbia and elsewhere and the purchase, maintenance, hire and operation of motor-propelled or horse-drawn vehicles. The lands reclaimed hereunder shall be disposed of, under general regulations approved by the secretary of the interior, in such manner and under such terms and conditions as shall insure the reimbursement of the investment of the United States or others therein, during a term not exceeding forty years from date of entrance upon the land by the settler, together with interest from such date at four *per centum per annum*. The money herein appropriated shall be expended in the development of one or more projects in each of the several states, if feasible projects be found therein.

The secretary of the interior is authorized to make any contracts or arrangements and to do any or all acts necessary in his

opinion, including the disposition of public lands, the acquisition of lands or property needed for rights of way or other purposes in connection with the development of any project by purchase or condemnation, for carrying out the purposes hereof; and

WHEREAS, This legislature is of the opinion that it is desirable that the federal government as well as the states, counties, municipalities, corporations and individual citizens do everything possible to provide employment for returning soldiers, sailors and marines and to aid them in establishing homes, and

WHEREAS, There are large areas of lands in West Virginia which might be utilized in carrying out the work the aforementioned bill entrusts to the secretary of the interior, therefore, be it

Resolved, That the senators and representatives from this state in the congress of the United States be requested to support said bill, with or without amendments as they shall deem advisable, and

Resolved, further, That a copy of this resolution be sent by the Clerks of this legislature to each of our senators and representatives in congress.

Was made a special order.

The Clerk reported the resolution, and

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coleman, Cosner, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hickman, Hileary, Hobbs, Houvouras, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Scott, Shaw, Spangler, Stover, Sturm, Summers, Thomas, Thurmond, Twyman, Vaughn, Weiss and Wolfe (Speaker)

—64.

The noes were:

Messrs. Bland and Taylor—2.

Absent and not voting:

Messrs. Blizzard, Clements, Coon, Cox, Cuppett, Ferguson, Grove, Harvey, Hendricks, Hersman, Howard, John, Kuykendall, Moore, McDermitt, McPherson, Parsons, Pedigo, Richards, Shomo, Starcher, Swisher, Vanmeter, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—27.

Ordered, That Mr. McCauley communicate to the Senate the adoption of the resolution, and ask concurrence therein.

Mr. Anderson in the Chair.

Unanimous consent being given,

Mr. McClintic offered the following resolution:

“Resolved, That Governor J. J. Cornwell be and he is hereby invited to address the House of Delegates, at 4 o'clock, P. M., this day, on the subject of police protection and any proposed bill on such subject.”

A message from the Senate by Mr. Stewart, announced the concurrence of that body in the passage of

House Bill No. 263—“A Bill empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county, to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof, accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividend and income from cash stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor.”

House Bill No. 85—“A Bill to authorize the county court of any county in this state to acquire by lease, purchase, or otherwise, a suitable site and to erect, equip and maintain thereon a building or other structure or structures in memory and in recognition of the services in the great war of the soldiers and sailors from the county in which such building or other structure may be located, and to lay levies therefor.”

With Senate amendments, coming up in regular order for consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

On page three, section one, line four, after the word "seat" insert the words "or adjacent thereto."

On page three, section one, lines ten and eleven, after the word "than" strike out the words "one and one-half" and insert in lieu thereof the word "five".

On page four, section one line twelve, after the word "than" strike out the words "one-half" and insert in lieu thereof the word "two".

The bill (H. B. No. 85) was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McClaren, McVey, Neale (of Cabell), O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Spangler, Stover, Sturm, Summers, Taylor, Thomas, Twyman, Vaughn, Weiss and Wolfe (Speaker)—66.

The noes were:

Messrs. Clements and Neal (of Webster)—2.

Absent and not voting:

Messrs. Blizzard, Cox, Godfrey, Grove, Hall, Hendricks, Houvouras, Kuykendall, Lantz, Lester, Moore, McCauley, McClintic, McDermitt, McPherson, Nutter, Peck, Shomo, Starcher, Swisher, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—25.

Ordered, That Mr. McClaren, communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 85) as amended.

A message from the Senate by Mr. Chapman, announced the passage by that body of

Senate Bill No. 224—"A Bill to amend and re-enact sections fourteen, twenty-two and twenty-five of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, relating to the independent school district of Huntington, and the conduct of the schools within said district."

And asked the concurrence of the House therein.

House Bill No. 9—"A Bill to amend chapter seventy-one of the acts of the legislature of one thousand nine hundred and nine, being

chapter fifty-five-*a* of the code of West Virginia, relating to fraternal beneficiary societies by adding four additional sections to said chapter to be known as section thirty-three, thirty-four, thirty-five and thirty-six of chapter fifty-five-*a* of the code of West Virginia of one thousand nine hundred and thirteen."

With Senate amendments, coming up in regular order for consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

Amended title to read as follows:

House Bill No. 9—"A Bill to amend chapter fifty-five-*a* of the code of West Virginia, relating to fraternal beneficiary societies, by adding section thirty-three, thirty-four, thirty-five and thirty-six thereto."

Insert the following as the enacting section:

"That chapter fifty-five-*a* of the code of West Virginia, relating to fraternal beneficiary societies, be amended by adding sections thirty-three, thirty-four, thirty-five and thirty-six to read as follows:"

The Bill (H. B. No. 9) as amended, was then passed with its title.

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hersman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClintic, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Pedigo, Pridemore, Rankin, Sarver, Scott, Shaw, Spangler, Stover, Sturm, Summers, Taylor, Thomas, Twyman, Weiss, Wysong and Wolfe (Speaker—64.

The noes were:

Messrs. Coberly and Hays—2.

Absent and not voting:

Messrs. Blizzard, Cox, Cuppett, Ferguson, Grove, Hendricks, Hickman, Hilleary, Lester, Moore, McClaren, McDermitt, McPherson, Peck, Perin, Pettigrew, Richards, Rouss, Shomo, Starcher, Swisher, Thurmond, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—26.

Ordered, That Mr. Jones communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 9) as amended.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 88)—An Act for the prevention of blindness from ophthalmia neonatorum.

Also,

(S. B. No. 127)—An Act to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads.

Also,

(H. B. No. 145)—An Act to amend and re-enact section twenty of chapter one, of the acts of the legislature of West Virginia of one thousand nine hundred and eight.

Also,

(S. B. No. 168)—An Act to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as section sixty-five-a.

And,

(S. B. No. 238)—An Act to provide for the submission to the voters of the state of an amendment to the constitution of the state, as follows: Amending sections twenty-two and thirty-three of article six.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the twentieth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the

following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 88)—An Act for the prevention of blindness from ophthalmia neonatorum.

Also,

(S. B. No. 127)—An Act to amend and re-enact section fifty-three of chapter fifty-four of the code of West Virginia, relating to extensions of railroads, the lease, sale or purchase thereof, and the merger and consolidation of railroads.

Also,

(H. B. No. 145)—An Act to amend and re-enact section twenty of chapter one, of the acts of the legislature of West Virginia of one thousand nine hundred and eight.

Also,

(S. B. No. 168)—An Act to amend chapter fifty-four, code of West Virginia, by adding an additional section thereto to be known as section sixty-five-a.

And,

(S. B. No. 238)—An Act to provide for the submission to the voters of the state of an amendment to the constitution of the state, as follows: Amending sections twenty-two and thirty-three of article six.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joing Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 222)—An Act to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred

and one, one hundred and twelve-a, one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two, one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen, entitled, "An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act;" and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven, twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (other-wise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twentieth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 222)—An Act to amend and re-enact sections four, five, six, seven, eight, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, seventy-one, seventy-three, seventy-four, seventy-seven, seventy-nine, eighty, one hundred and one, one hundred and twelve-a, one hundred and eighteen, one hundred and twenty-eight, one hundred and thirty-three, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-one, one hundred and forty-nine, one hundred and fifty-two, one hundred and fifty-nine of article one of chapter ten of the acts of the legislature, regular session, of one thousand nine hundred and fifteen entitled, "An act to amend and re-enact chapter eleven of the acts of one thousand eight hundred and ninety-nine incorporating the city of Fairmont, as amended by chapter one hundred and forty-three of the acts of one thousand nine hundred and one, and as further amended by chapter eighty-one of the acts of one thousand nine hundred and thirteen, of the legislature of West Virginia; defining the corporate limits of said city, amending the present charter, providing for registration of voters and prescribing the manner of holding city elections therein, and to repeal all acts and parts of acts inconsistent with the provisions of this act;" and by adding nineteen sections to article one of said chapter ten, to be known as sections nineteen-a, nineteen-b, nineteen-c, nineteen-d, nineteen-e, nineteen-f, nineteen-g, nineteen-h, nineteen-i, nineteen-j, eighty-a, eighty-b, ninety-a, one hundred and seven-a, one hundred and nine-a, one hundred and fifteen-a, one hundred and forty-nine-a, one hundred and fifty-eight-a, one hundred and fifty-eight-b, one hundred and fifty-nine-a, and one hundred and fifty-nine-b, and repealing sections nine, ten, eleven,

twelve, thirteen, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, seventy, eighty-two, one hundred and nineteen, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and forty, one hundred and forty-two, one hundred and forty-five, and one hundred and forty-eight of article one of chapter ten of the acts of one thousand nine hundred and fifteen, and sections one to two hundred and thirty-one, both inclusive, of article two of said chapter ten of the acts of one thousand nine hundred and fifteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 6)—An Act to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen.

Also,

(S. B. No. 94)—An Act to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians.

Also,

(S. B. No. 114)—An Act to amend and re-enact chapter fifteen-j, Barnes' code one thousand nine hundred and eighteen, and establish

in lieu of the West Virginia Humane Society a State Board of Children's Guardians, and to define its duties.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twentieth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 6)—An Act to amend and re-enact section three of chapter one hundred and sixteen of the code of West Virginia, as amended and re-enacted by section three of chapter ninety-nine of the acts of the legislature of the year one thousand nine hundred and seventeen.

Also,

(S. B. No. 94)—An Act to amend and re-enact section twelve of chapter eighty-two of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, relating to the investment of funds in the hands of guardians.

Also,

(S. B. No. 114)—An Act to amend and re-enact chapter fifteen-j, Barnes' code one thousand nine hundred and eighteen, and establish in lieu of the West Virginia Humane Society a State Board of Children's Guardians, and to define its duties.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(H. B. No. 152)—An Act to amend and re-enact section two of the part entitled "Greater Wheeling Charter" of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled: "An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven," entitled: "An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six," entitled: "An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling;" chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form a part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election held on the fourth Thursday in May, one thousand nine hundred and fifteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the twentieth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 152)—An Act to amend and re-enact section two of the part entitled "Greater Wheeling Charter" of an act of the legislature of West Virginia, passed on the twentieth day of February, one thousand nine hundred and fifteen, entitled: "An act to amend, revise and consolidate into one act an act of the legislature of West Virginia, passed February eleventh, one thousand nine hundred and seven," entitled: "An act to amend, revise and consolidate into one act an act of the general assembly of Virginia, passed March eleventh, one thousand eight hundred and thirty-six," entitled: "An act to incorporate the city of Wheeling, in Ohio county, and all subsequent acts, both of the general assembly of Virginia and of the legislature of West Virginia, which form a part of the charter of the city of Wheeling;" chapter eleven of the acts of said legislature of West Virginia of one thousand nine hundred and nine; chapter two of the acts of said legislature of one thousand nine hundred and eight, extra session; and chapter ninety-one of the acts of said legislature at the regular session in the year one thousand nine hundred and thirteen; and all other acts of the said legislature passed since the passage of said act of February eleventh, one thousand nine hundred and seven, and which form a part of the charter of the city of Wheeling; and providing that the charter of said city shall be one of two forms of charters in this act set forth, according to the decision of the voters of said city at the general election held on the fourth Thursday in May, one thousand nine hundred and fifteen.

Respectfully submitted,
W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 162)—An Act to amend and re-enact sections three and fourteen of chapter fourteen of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-seven, in reference to the charter of the city of Wellsburg, as amended by

chapter sixty-five of the acts one thousand eight hundred and ninety-five, chapter one hundred and forty-nine of the acts of one thousand nine hundred and one; chapters sixty-eight and sixty-nine of the acts of one thousand nine hundred and three; chapter ten of the acts of one thousand nine hundred and seven; and chapter four of the acts of one thousand nine hundred and fifteen; and chapter one hundred and sixteen of the acts of one thousand nine hundred and seventeen.

And,

(H. B. No. 181)—An Act to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety-five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twentieth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 162)—An Act to amend and re-enact sections three and fourteen of chapter fourteen of the acts of the legislature of West Virginia of one thousand eight hundred and eighty-seven, in reference to the charter of the city of Wellsburg, as amended by chapter sixty-five of the acts one thousand eight hundred and ninety-five, chapter one hundred and forty-nine of the acts of one thousand nine hundred and one; chapters sixty-eight and sixty-nine of the acts of one thousand nine hundred and three; chapter ten of the acts of one thousand nine hundred and seven; and chapter four of the acts of one thousand nine hundred and fifteen; and chapter one hundred and sixteen of the acts of one thousand nine hundred and seventeen.

Also,

(H. B. No. 181)—An Act to amend chapter fifty-four of the acts of the legislature of West Virginia, one thousand eight hundred and ninety-five, creating the independent school district of Moundsville, by adding thereto section twenty-five relating to compulsory attendance.

Respectfully submitted,

W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 223)—An Act fixing an annual allowance to the clerk of the circuit court of Mercer county.

Also,

(S. B. No. 235)—An Act to amend and re-enact sections three, five, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, forty-six, forty-seven, fifty-two and fifty-four of chapter fourteen of the acts of the legislature of one thousand nine hundred and fifteen amending the charter of the city of Williamson.

Also,

(S. B. No. 237)—An Act to authorize the county court of Taylor county to appropriate and expend annually, public moneys in connection with the observance of public Memorial services on the thirtieth day of May, each year, at the United States national cemetery at the city of Grafton.

Respectfully submitted,

W. L. POLING,
Chairman Senate Committee.
W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twentieth day of February one thousand nine hundred and nineteen, they presented to His Excellency, The Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 223)—An Act fixing an annual allowance to the clerk of the circuit court of Mercer county.

(S. B. No. 235)—An Act to amend and re-enact sections three, five, six, ten, eleven, sixteen, thirty, thirty-one, thirty-three, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, forty-six, forty-seven, fifty-two and fifty-four of chapter fourteen of the cts of the legislature of one thousand nine hundred and fifteen amending the charter of the city of Williamson.

Also,

(S. B. No. 237)—An Act to authorize the county court of Taylor county to appropriate and expend annually, public moneys in connection with the observance of public Memorial services on the thirtieth day of May, each year, at the United States national cemetery at the city of Grafton.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee,

W. R. GODFREY,

Chairman House Committee.

House Bill No. 76—"A Bill to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto section thirty-one, relating to wieghts and measurers."

With Senate amendments, coming up in regular order for consideration,

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

On page four, section fourteen, line one, strike out the word "shall" and insert in lieu thereof the word "may."

On the same page in section fourteen, line two, strike out the word "fifteen" and insert in lieu thereof the word "twenty-five".

On the same page in section fourteen, line eight, strike out the word "four" and insert in lieu thereof the word "two".

On page twelve, in the table after the words "apples (green)" strike out the line of numerals and insert in lieu thereof the following numerals, under the appropriate headings: "48-24-12-6-3-1 lb. 8 oz.-12."

On page sixteen, section twenty-seven, strike out line "seventeen".

The bill (H. B. No. 76) as amended, was then passed with its title.

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Harvey, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Mahan, Mollohan, Moore, Moran, Moulds, Musser, McClintic, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—60.

The noes were:

Messrs. Brand, Hays, Kuykendall, Lantz and McCauley—5.

Absent and not voting:

Messrs. Anderson, Blizzard, Cosner, Cox, Cunningham, Cuppett, Godfrey, Grove, Hall, Hendricks, Hersman, Houvouras, Lester, Miller, Morris, McClaren, McDermitt, McPherson, McVey, Parsons, Perin, Scott, Shomo, Swisher, Taylor, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—28.

Ordered, That Mr. Hackney communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 76) as amended.

A message from the Senate by Mr. Fox, announced that the Senate had reconsidered the vote by which

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefore."

Was rejected, and requested the return of the bill.

Whereupon,

The Clerk of the House delivered the bill (H. B. No. 34) to Mr. Fox.

The following communication was received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal:

CHARLESTON, February 19, 1919.

MR. C. L. TOPPING,
Clerk of the House of Delegates.

DEAR SIR:

I have this day approved House Bill No. 200, providing for the creation and organization of corporations other than joint stock companies, etc., and House Bill No. 148, authorizing and empowering the county court of Lewis county to lay a special levy.

Very truly yours,

J. J. CORNWELL, *Governor.*

Unanimous consent being given,

On motion of Mr. McClintic,

SENATE CONCURRENT RESOLUTION NO. 6.

"Relating to the judgment of Virginia against West Virginia."

WHEREAS, After protracted litigation, the supreme court of the United States by its decree entered in the suit of the commonwealth of Virginia against the state of West Virginia on the 14th of June, 1915, adjudged, ordered and decreed that:

"The complainant, commonwealth of Virginia, recover of and from the defendant, state of West Virginia, the sum of \$12,393,929.50, with interest thereon from July 1, 1915, until paid, at the rate of five per centum per annum, and that each party pay one-half of the costs;" which debt, interest and costs, under the terms of said decree, as of January 1, A. D. 1919, are as follows:

1915, July 1, principal.....	\$12,393,929.50
Interest thereon from July 1, 1915, to Jan. 1, 1919..	2,168,937.66

Total, principal and interest, as of said January 1, 1919.....	\$14,562,867.16
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to which is to be added one-half of the costs of said suit; and,

WHEREAS, The supreme court of the United States, did on the 22nd day of April, 1918, upon a petition for a writ of mandamus, render an opinion, in said cause, a part of which is as follows:

"Giving effect to this view, accepting the things which are irrevocably foreclosed—briefly stated, the judgment against the state, operating upon it in all of its governmental powers, and the duty to enforce it, viewed in that aspect—our conclusion is that the case should be restored to the docket for further argument at the next

term after the February recess. Such argument will embrace the three questions left open. First—The right, under the conditions previously stated, to award the mandamus prayed for. Second—If not, the power and duty to direct the levy of a tax, as stated; and, Third—If means for doing so be found to exist, the right, if necessary, to apply such other and appropriate equitable remedy by dealing with the funds, or taxable property of West Virginia, or the rights of that state, as may secure an execution of the judgment. In saying this, however, to the end that if, on such future hearing provided for, the conclusion should be that any of the processes stated are susceptible of being lawfully applied (repeating that we do not now decide such question), occasion for a further delay may not exist, we reserve the right, if deemed advisable, at a day hereafter, before the end of the term or at the next term before the period fixed for the hearing, appoint a master for the purpose of examining and reporting concerning the amount and method of taxation essential to be put into effect, whether by way of order to the state legislature, or direct action to secure the full execution of the judgment, as well as concerning the means otherwise existing in the state of West Virginia, if any, which, by the exercise of the equitable powers in the discharge of the duty to enforce payment, may be available for that purpose; and,

WHEREAS, The only thing preventing the West Virginia debt commission and the Virginia debt commission from reaching an agreement for the settlement or adjustment of the debt as decreed by the supreme court of the United States was the matter of allowing West Virginia to hold in escrow sufficient of the proposed issue of bonds in payment of the debt to cover the value of the lost or unrepresented so call West Virginia certificates estimated to amount to one million one hundred thousand dollars until said certificates are discovered and presented to West Virginia for payment, if at all; and

WHEREAS, The Honorable Randolph Harrison, attorney for the Virginia Debt Commission, and representing the state of Virginia, appeared before a joint session of the legislature and, on behalf of the said state of Virginia, proposed if the legislature of West Virginia would elect to settle the said judgment, to accept in full settlement thereof a cash payment of \$1,062,867.16, with interest thereon at five per cent from the 1st day of January, 1919, until paid, and bonds of the state of West Virginia for the residue of \$13,500,000.00 to be dated January the 1st, 1919, and to bear interest at the rate of three and one-half per cent per annum payable semi-annually

spread over a period of twenty years, and payable in gold coin and free from taxes in the state of West Virginia, and further agreed that the state of West Virginia may retain or hold in escrow in its treasury of said bonds a sufficient amount to cover the value of unrepresented so-called West Virginia certificates, and which such certificates shall be redeemed as they may be presented during the term of the bonds, and which certificates are now estimated to amount to about \$1,100,000, said bonds to be held and retained by the state of West Virginia unless and until said certificates are discovered and about \$1,100,000, said bonds to be held and retained by the state of West Virginia to be exchanged for bonds so retained in escrow as aforesaid, ratably; and,

WHEREAS, The state of West Virginia desires to accept the proposition of the debt commission of the commonwealth of Virginia and thereby comply with the decrees of said court and to satisfy the same as soon as practicable; therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the offer of settlement of the judgment of the commonwealth of Virginia against the state of West Virginia, made by the Virginia Debt Commission, through the said Honorable Randolph Harrison to the joint session of the legislature, be, and the same is hereby accepted, and the committees on the subject of the Virginia debt of the respective Houses are hereby directed to prepare and submit to the House and Senate a suitable bill or suitable bills, as soon as practicable for the purpose of providing for the payment of the cash payment and the issuance and delivery of the bonds, and provide the revenue to pay the principal and interest as the same may become due and payable, necessary to carry out the terms of such offer as hereinbefore set out.

Was taken up for immediate consideration, reported by the Clerk, and adopted.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. C. R. No. 6).

Unanimous consent being given,

Mr. Moore offered the following resolution:

WHEREAS, On the fourteenth day of January, one thousand nine hundred and n neteen, certain written and specific charges were lodged with this House charging George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, with being guilty of unlawful acts, conduct and behavior in office, and

WHEREAS, Said charges were referred to the Judiciary Committee for investigation, and

WHEREAS, By resolution adopted on the twenty-fifth day of January, one thousand nine hundred and nineteen, the Judiciary Committee was empowered to summon and compel the attendance of witnesses and to employ stenographers and other clerical assistance, and to report their proceedings and findings in this House, and

WHEREAS, The Judiciary Committee has made such investigation, finding and report, therefore, be it

Resolved, That the expenses incurred in connection with such investigation are hereby directed to be paid, and the Sergeant-at-Arms of the House of Delegates is hereby directed to draw his warrants to the persons hereinafter named for the several amounts specified, payable out of the contingent fund of the House, and the auditor is hereby authorized and directed to pay the same, as follows:

To	Amount
John H. Morgan.....	\$35.10
S. S. Wade.....	35.10
F. M. Lucas.....	35.10
F. P. Corbin.....	35.10
L. E. Friend.....	35.10
Dr. W. C. Kelley.....	36.10
W. C. Moser.....	36.10
L. G. Reppert.....	36.10
R. L. Morris.....	36.10
J. K. Buchannan.....	36.10
W. A. Ream.....	36.10
Chas. T. Hickman.....	36.10
Dr. I. C. White.....	36.10
James R. Moreland.....	36.10
E. G. Donley.....	36.10
Stanley Cox.....	36.10
Judge Frank Cox.....	37.10
E. M. Grant.....	37.10
Chas. T. Herd.....	37.10
T. Ray Dille.....	37.10
C. B. Dille.....	37.10
E. H. Gilbert.....	37.10
Geo. C. Sturgiss.....	41.10
Glenn Hunter.....	31.10

To	Amount
Gilbert B. Miller.....	35.10
Frank L. Bowman.....	35.10
M. Simon Garrison.....	34.10
Aaron G. Garlow.....	34.10
Jo. L. Keener.....	35.10
Thos. E. Hodges.....	32.10
J. H. McDermott.....	32.10
A. I. Deer.....	31.10
W. E. Glasscock.....	41.10
John M. Gregg.....	31.10
Chas. A. Goodwin.....	41.10
Thos. G. Keenan.....	41.10
S. F. Glasscock.....	41.10
I. G. Lazelle.....	41.10
C. W. Cramer.....	32.10
Wayne Cox.....	\$ 32.10
R. H. Jarvis.....	32.10
G. C. Baker.....	32.10
W. L. Price.....	34.10
J. L. Dougan.....	33.10
Rufus A. West.....	32.10
S. A. Posten.....	32.10
L. R. Shriver.....	32.10
Marie Cairney.....	33.10
John Shriver.....	33.10
John C. Price.....	41.10
A. W. Bowlby.....	41.10
Frank P. Weaver.....	37.10
M. J. Malamphy, Jr.....	33.10
S. A. Barker.....	33.10
Ezekiel Wade.....	37.10
Bunk Nebraska.....	37.10
Walter Mayfield.....	37.10
John L. Hatfield.....	37.10
Garfield Davies.....	37.10
Julius Scherr.....	37.10
(All of the forgoing witnesses reside at Morgantown, W. Va.)	
Ben D. Keller, Hinton.....	\$342.70
Louis E. Schrader, Wheeling.....	381.30
Reuel E. Sherwood, Charleston.....	241.67

On the further motion of the same gentleman, the rules were suspended, and the resolution taken up for immediate consideration and adopted.

On motion of Mr. Fortney (of Preston), the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. Cuppett in the chair.

Unanimous consent being given,

Mr. Kern offered the following resolution:

Resolved, By the membership of the House of Delegates of the legislature of the State of West Virginia:

That it is the sense of this body

That the Honorable J. Luther Wolf has administered the high office of Speaker of the House of Delegates in a manner that reflects great credit upon himself and merits our earnest commendation.

That in his personality he has exemplified the qualities which should be possessed by one occupying such exalted station:

That he has made an ideal presiding officer, exhibiting a keen sense of appreciation of the true function of a chairman.

That he has been an officer of high ideals, devoted to his duties, and possessing gentlemanly tact, judicial poise, and dignified bearing:

That in his rulings he has been fair and impartial and swayed solely by honest convictions and upright purposes:

That he has conducted the business of his office in an efficient, courageous and able manner.

That he has won our admiration and respect both as a man and an officer.

That he is, indeed, our friend.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

The Speaker resumed the chair.

A message from the Senate by Mr. Lewis announced that that body had concurred in the passage of

House Bill No. 276—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine".

Unanimous consent being given,

On motion of Mr. O'Connor, the rules were suspended and House Bill No. 62—"A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."

On second reading, was taken up out of its regular order for immediate consideration, and read a second time.

Mr. O'Connor moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

Which motion did not prevail.

The bill (H. B. No. 62) was then ordered to its engrossment and third reading.

Mr. Kuykendall asked unanimous consent to take up for immediate consideration House Concurrent Resolution No. 14.

Which consent was not given, Mr. Hall objecting.

Senate Bill No. 214—"A Bill to amend and re-enact section one, chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one, one-a one, one-a two, one-b one, one-b two; one-c one, one-c two, one-d one, one-d two, one-e one, one-e two, of chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one and one hundred and two of the acts of West Virginia, regular session of the legislature one thousand nine hundred and seventeen; to re-arrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit courts in the several counties therein."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Richards, severally made, the bill was amended on pages four and five, section one, as follows:

In line one, strike out the word "and" between the words Brooke and Hancock and insert after the word "Hancock" the words "and Ohio."

In line five, strike out the words "the county of Ohio shall constitute the second circuit."

In line seven, strike out the word "third" and insert the word "second."

In line eight, strike out the word "fourth" and insert the word "third."

In line nine, strike out the word "fifth" and insert the word "fourth."

In line ten, strike out the word "sixth" and insert the word "fifth."

In line eleven, strike out the word "seventh" and insert the word "sixth."

In line twelve, strike out the word "eighth" and insert the word "seventh."

In line thirteen, strike out the word "ninth" and insert the word "eighth."

In line fourteen, strike out the word "tenth" and insert the word "ninth."

In line fifteen, strike out the word "eleventh" and insert the word "tenth."

In line seventeen, strike out the word "twelfth" and insert the word "eleventh."

In lines seventeen and eighteen, strike out the word "thirteenth" and insert the word "twelfth."

In line nineteen, strike out the word "fourteenth" and insert the word "thirteenth."

In line twenty, strike out the word "fifteenth" and insert the word "fourteenth."

In line twenty-one, strike out the word "sixteenth" and insert the word "fifteenth."

In line twenty-two, strike out the word "seventeenth" and insert the word "sixteenth."

In line twenty-three, strike out the word "eighteenth" and insert the word "seventeenth."

In line twenty-four, strike out the word "nineteenth" and insert the word "eighteenth."

In line twenty-six, strike out the word "twentieth" and insert the word "nineteenth."

In line twenty-seven, strike out the word "twenty-first" and insert the word "twentieth."

In line twenty-eight, strike out the word "twenty-second" and insert the word "twenty-first."

In line thirty, strike out the word "twenty-third" and insert the word "twenty-second."

In line thirty-one, strike out the word "twenty-fourth" and insert the word "twenty-third."

On page five, by striking out all of lines thirty-two down to and including the word "and" in line forty-two and inserting after the

word "several" at the end of line forty-two, the words "circuits courts of the."

On motion of Mr. McVey, severally made, the bill was amended as follows:

On page four, line seventeen, after the word "the" change the word "county" to "counties" and by inserting after the word "Fayette" the words "and Nicholas."

On page four, line twenty, by striking out the word "Nicholas."

On page ten, line one hundred and seventeen, after the word "September" by inserting the words "For the county of Nicholas on the third Tuesday in February, May, August and November."

On page ten, line one hundred and twenty-eight, after the word "October" by striking out all that follows down to and including the word "November" in line one hundred and thirty.

On motion of Mr. Richards, the bill was amended on page six, between lines forty-seven and forty-eight, by striking out the words "second circuit." and renumbering all of the circuits following thereafter in numerical order.

On motion of Mr. Spangler, severally made, the bill was amended as follows:

On page four, after the word "Mercer" at the end of line thirteen, by inserting the words "and Monroe."

On page four, line fifteen, by inserting after the word "Greenbrier" the word "and" and striking out after the word "Pocahontas" and words "and Monroe."

On motion of Mr. Wysong, the bill was amended on page nine, line one hundred, by inserting after the word "November" the words "For the county of Monroe on the second Tuesday in March, the second Tuesday in June and the third Tuesday in September."

On motion of Mr. Bray, the bill was amended on page nine, by striking out all of lines one hundred and nine to one hundred and fifteen, inclusive, and inserting in lieu thereof the following:

"For the county of Greenbrier on the third Tuesday in January, second Tuesday in May and the second Tuesday in September. For the county of Pocahontas on the first Tuesday in April, the first Tuesday in June and the first Tuesday in October."

On motion of Mr. Kuykendall, the bill was amended on page thirteen, line one hundred and seventy, after the word "September" by striking out all that follows down to and including the word September in line one hundred and seventy-two and inserting in lieu thereof the following:

"For the county of Berkeley on the third Tuesday in January, the third Tuesday in April, and the third Tuesday in September."

On motion of Mr. McClintic, the bill was amended on pages seven and eight, by striking out all of lines seventy-seven to eighty-three inclusive and inserting in lieu thereof the following:

"For the county of Cabell the first Monday in January, the first Monday in May, the third Monday in September of each year. For the county of Putnam the third Monday in March, the third Monday in July and the third Monday in November of each year. For the county of Lincoln the first Monday in March, the third Monday in June, the first Monday in September and first Monday in December of each year."

On motion of Mr. Summers, the bill was amended on page ten, by striking out all of lines one hundred and eighteen to one hundred and twenty-three inclusive and inserting in lieu thereof the following:

"For the county of Clay on the first Monday in January, the third Monday in March, the first Monday in August and the third Monday in November. For the county of Kanawha on the second Monday in February, the second Monday in May, the second Monday in September, and the second Monday in November."

Mr. Ferguson moved to amend the bill on page four, line eleven-a by inserting after the word "of" the word "Boone."

Which motion did not prevail.

Mr. Shaw moved to amend the bill on page five, line twenty-four by inserting after the word "Preston" the words "and Taylor."

Which motion did not prevail.

Mr. Hays moved to amend the bill on page four, by striking out the word "Calhoun" at the end of line nine.

Which motion did not prevail.

Mr. Coberly moved to amend the bill on page five, line twenty-six by striking out the word "counties" and inserting in lieu thereof the word "county" and at the end of line twenty-six by striking out the words "and Upshur."

And on that question,

Mr. Coberly demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Morris, Moulds, McCauley, Neal (of Webster),

O'Connor, Otto, Peck, Perin, Rankin, Rouss, Scott, Shaw, Swisher, Taylor, Thomas and Thurmond—33.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Houvouras, Howard, John, Moore, Moran, McClaren, McClintic, McDermitt, Neale (of Cabell), Nutter, Parsons, Pettigrew, Pridemore, Richards, Spangler, Sturm, Twyman, Vaughn, Weiss and Wolfe (Speaker)—37.

Absent and not voting:

Messrs. Blizzard, Cox, Grove, Hale, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Jones, Musser, McPherson, McVey, Pedigo, Sarver, Shomo, Starcher, Stover, Summers, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—23.

So, a majority of those present and voting not having voted in the affirmative, the motion did not prevail.

Mr. O'Connor moved to amend the bill by striking out the enacting clause.

And on that question,

Mr. O'Connor demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Cuppett, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, McCauley, Neal (of Webster), O'Connor, Otto, Peck, Rouss, Shaw, Stover, Summers, Swisher, Thomas and Thurmond—30.

The noes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hickman, Houvouras, John, Jones, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Scott, Spangler, Starcher, Sturm, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—47.

Absent and not voting:

Messrs. Anderson, Blizzard, Cox, Fortney (of Preston), Grove, Hendricks, Hersman, Hilleary, Hobbs, Howard, McPherson, Pedigo,

Shomo, Vanmeter, Williams (of Oh o) and Williams (of Pleasants)—16.

So, a majority of those present and voting not having voted in the affirmative, the motion did not prevail.

Mr. Hall moved to amend the bill on page four, line six, by striking out the word "Marshall" and inserting in lieu thereof the word "Doddridge."

And on that question,

Mr. Lantz demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moulds, McCauley, Neal (of Webster), O'Connor, Peck, Rouss, Shaw, Summers and Thomas—26.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hersman, Hickman, Hobbs, Houvouras, John, Jones, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Perin, Pettigrew, Rankin, Richards, Sarver, Scott, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—52.

Absent and not voting:

Messrs. Blizzard, Cox, Fortney (of Preston), Grove, Hendricks, Hilleary, Howard, McVey, Pedigo, Pridemore, Shomo, Thurmond, Vanmeter, Williams (of Pleasants) and Wysong—15.

So, a majority of those present and voting, not having voted in the affirmative the motion did not prevail.

The bill (S. B. No. 214) was then ordered to its third reading.

A message from the Senate by Mr. Arnold, announced that

The Senate has agreed to all the amendments proposed by the House of Delegates to Senate Bill No. 113, excepting the following amendments, in which the Senate refuses to concur and respectfully asks the House to recede therefrom:

On page fifteen, section twenty, in line nineteen, by striking out the figures "3000.00 3000.00" and inserting in lieu thereof the figures "2500.00 2500.00."

On page fifteen, section twenty-two, line two, by striking out the the figures "\$32,860.00 \$37,970.00" and inserting in lieu thereof the figures "\$31,460.00 \$31,460.00."

On page twenty-five, section forty-nine, line thirteen, after the word "Morgantown," by striking out \$65,000.00 for each year and inserting in lieu thereof the words "by condemnation under the laws of this state, for its true and reasonable value, not exceeding \$130,000, the residue to be applied to the erection of buildings."

On page thirty-eight, section seventy-two, line sixteen, strike out after the figures "\$8.00" the words "per day" and the figures "\$360," and insert in lieu thereof the words "for one day only \$8.00."

On page thirty-eight, section seventy-two, line twenty-one, after the word "at" strike out the words and figures "\$3.00 per day \$1485.00" and insert in lieu thereof the words and figures "\$4.00 per day \$1980.00."

On page fortyone, section seventy-three, line twenty, after the word "at" strike out "\$3.00 per day, \$1980.00" and insert "\$4.00 per day, \$1980.00."

On page forty-one, section seventy-three, line twenty-two, change the figures "\$4.00 to \$6.00" and strike out "\$900.00" and insert in lieu thereof "\$1350.00."

On page forty-one, section seventy-three, line twenty-five, strike out "\$5.00" and insert "\$6.00;" strike out "\$225.00" and insert in lieu thereof "\$270.00."

On page forty-one, section seventy-three, line twenty-six, insert after line twenty-six, the following:

One librarian at \$6.00 per day.....	\$270.00
Chief floor page at \$5.00 per day.....	\$225.00
Two gallery door-keepers at \$6.00 per day.....	\$540.00

In section eighty-three, page sixty-two, line eight, change figures "\$12,000.00" to "\$7,000.00," and "\$5,000.00" to "\$4,000.00.

In section eighty-three, page sixty-three, line twelve, after the word "disbursed" strike out "on the requisition of the chief inspector," and insert "upon presentation of the bills by the chief inspector to the state compensation commissioner, in the same manner as other disbursements are made from the workmen's compensation fund."

Unanimous consent begin given,

On motion of Mr. Parsons, the bill (S. B. No. 113) was taken up for immediate consideration.

On motion of Mr. McClintic, the House refused to recede from its amendments and asked for a conference committee.

Thereupon,

The Speaker appointed as such committee Messrs. Parsons, Twyman and Bray.

A message from the Senate by Mr. Harmer, announced the passage by that body of and asked the concurrence of the House in Senate Bill No. 249—"A Bill to amend and re-enact section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district."

Unanimous consent being given,

On motion of Mr. Starcher, the bill (S. B. No. 249) was taken up for immediate consideration, read a first time, reference to a committee dispensed with and ordered to its second reading.

Mr. Neale (of Cabell), offered the following resolution:

WHEREAS, Richard T. Sterling of Cabell county, has worked faithfully during the session as a Journal page, and was not among those appointed at the beginning of the session; there be it

Resolved, That Richard T. Sterling be appointed as a Journal page with the per diem of same, and that the Sergeant-at-Arms be ordered to pay same out of the contingent fund of the House.

Which, under the rules, lies over one day.

A message from the Senate by Mr. York, announced the concurrence of that body in the passage of

House Bill No. 302—"A Bill to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act."

A message from the Senate by Mr. Hunter, announced the concurrence of that body in the passage of

House Bill No. 272—"A Bill to amend and re-enact sections three, four-a, thirty, forty-one, forty-seven and forty-eight of chapter eighteen of the acts of legislature of one thousand nine hundred and fifteen relating to the charter of the city of Cameron, Marshall county, West Virginia."

A message from the Senate by Mr. Johnson, announced the concurrence of that body in the passage of

House Bill No. 196—"A Bill to fix the salary of the prosecuting attorney of Barbour county."

On motion of Mr. McClintic, the House recessed until 7 o'clock, P. M.

NIGHT SESSION.

The House met at the expiration of the recess.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 211)—An Act authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district of Charleston.

Also,

(H. B. No. 46)—An Act to amend and re-enact sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six, acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-a, fourteen-a and one hundred and thirty-two-a.

Also,

(H. B. No. 169)—An Act authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education.

Also,

(S. B. No. 212)—An Act to amend and re-enact sections three and five of chapter sixteen of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine; and prescribing the manner of the nomination and election, the qualification, the compensation and the term of office of members of the board of education of the school district of Huntington.

And,

(S. B. No. 213)—An Act fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county.

Respectfully submitted,

W. L. POLING,
Chairman Senate Committee:

W. R. GODFREY,
Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the twentieth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 211)—An Act authorizing the establishment of a school teachers' retirement pension fund for the Charleston independent school district of Charleston.

Also,

(H. B. No. 46)—An Act to amend and re-enact sections twenty-five, thirty-one, forty, forty-five, one hundred and twelve and one hundred and twenty-four of chapter sixty-six, acts of the legislature of one thousand nine hundred and seventeen, and adding to said chapter sections five-*a*, fourteen-*a* and one hundred and thirty-two-*a*.

Also,

(H. B. No. 169)—An Act authorizing the board of education of the independent school district of Wheeling to purchase, equip and maintain a piece of ground for the purpose of physical education.

Also,

(S. B. No. 212)—An Act to amend and re-enact sections three and five of chapter sixteen of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine; and prescribing the manner of the nomination and election, the qualification, the compensation and the term of office of members of the board of education of the school district of Huntington.

And,

(S. B. No. 213)—An Act fixing the annual allowance to the clerks of the county and circuit courts of Nicholas county.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), have examined and found truly enrolled:

(S. B. No. 239)—An Act authorizing the board of education of Coal district, Harrison county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a high school building in what is known as Adamston, in said Coal district.

And,

(H. B. No. 277)—An Act relating to interest on high school bonds of Washington district, Pleasants county, West Virginia.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), report that on the twentieth day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 239)—An Act authorizing the board of education of Coal district, Harrison county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of a high school building in what is known as Adamston, in said Coal district.

And,

(H. B. No. 277)—An Act relating to interest on high school bonds of Washington district, Pleasants county, West Virginia.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid unto such judges."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Brammer, Bray, Byrnes, Capchert, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hickman, Hilleary, Howard, John, Jones, Kern, Mahan, Moore, Moran, Moulds, Musser, McClaren, McClintic, McVey, Neale (of Cabell), O'Connor, Otto, Parsons, Perin, Pettigrew, Richards, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Vaughn, Weiss and Wysong—49.

The noes were:

Messrs. Brand, Calhoun, Ferguson, Hall, Hamilton, Harvey, Hays, Hersman, Hobbs, Lantz, Lester, McDermitt, Neale (of Webster), Peck, Rankin, Sarver, Shaw, Taylor and Wolfe (Speaker)—19.

Absent and not voting:

Messrs. Bannister Blizzard, Cox, Grove, Hackney, Hendricks, Houvouras, Kuykendall, Miller, Mollohan, Morris, McCauley, McPherson, Nutter, Pedigo, Pridemore, Rouss, Scott, Shomo, Summers, Swisher, Thomas, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—25.

Ordered, That Mr. Wysong communicate to the Senate the passage of the bill (H. B. No. 226) and ask concurrence therein.

Senate Bill No. 189—"A Bill creating a department of state patrol, providing for the appointment of a commissioner, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of said state patrol for misconduct in office and fixing their fees."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Stover, made a special order for 10 o'clock, A. M., tomorrow.

House Bill No. 275—"A Bill for the construction and repair of roads and bridges on the line between or connecting incorporated cities, towns and villages, within the same county."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Harvey, Hays, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell) Neal (of Webster), O'Connor, Otto, Peck, Perin, Pettigrew Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—66.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Cosner, Cox, Cunningham Grove, Hackney, Hamilton, Hendricks, Houvouras, Kuykendall, Lester, McCauley, McPherson, Nutter, Parsons, Pedigo, Pridemore, Rouss, Scott, Shomo, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—27.

Ordered, That Mr. McClaren communicate to the Senate the passage of the bill (H. B. No 275) and ask concurrence therein.

Senate Bill No. 149—"A Bill authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public moneys; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Byrnes, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hickman, Hilleary, Hobbs, Howard, John, Kern, Lantz, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—56.

The noes were:

Messrs. Calhoun, Ferguson, Harvey, Hays, Kuykendall, Mollohan and Peck—7.

Absent and not voting:

Messrs. Bland, Blizzard, Brammer, Bray, Capehart, Cox, Hackney, Hall, Hamilton, Hendricks, Hersman, Houvouras, Jones, Lester, Miller, McCauley, McPherson, Neale (of Cabell), Nutter, Pridemore, Rouss Scott, Shomo, Stover, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—30.

Ordered, That Mr. Pettigrew communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 149).

Senate Bill No. 151—"A Bill to amend and re-enact section seventeen of chapter fifteen-*h* of the code of West Virginia, relating to the operation of hoisting machinery, medical supplies, etc., in coal mines."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Clements, Coleman, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hamilton, Harvey, Hersman, Hilleary, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—62.

The noes were:

Messrs. Bland, Calhoun, Coberly, Hall, Hays, Mollohan, Neal (of Webster), Rouss and Summers—9.

Absent and not voting:

Messrs. Blizzard, Capehart, Cosner, Cox, Cunningham, Grove, Hackney, Hendricks, Hickman, Hobbs, Houvouras, Kuykendall, Lester, McCauley, McPherson, Pedigo, Pridemore, Richards, Scott, Shomo, Vanmeter and Williams (of Pleasants)—22.

Ordered, That Mr. McVey communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 151).

House Bill No. 268—"A Bill to amend chapter one hundred and fifty of Hogg's code of one thousand nine hundred and thirteen by adding thereto section five thousand three hundred and seventy-two."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Bray, the bill was amended by adding at the end thereof the following: "It shall be unlawful for any person or persons to chew gum or smoke tobacco, etc."

Mr. Brand moved to amend the bill by striking out the enacting clause,

Which motion did not prevail.

The bill (H. B. No. 268), as amended, was then ordered to its engrossment and third reading.

House Bill No. 235—"A Bill to amend and re-enact section one of chapter one hundred and nineteen of the code of West Virginia relating to attorneys at law."

On second reading, coming up in regular order for consideration, was

On motion of Mr. McClintic, laid on the table.

A message from the Senate by Mr. Fox, announced the concurrence of that body in the passage of

House Bill No. 288—"A Bill to amend and re-enact section six, of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen."

And,

House Bill No. 221—"A Bill to amend and re-enact section twenty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county."

House Bill No. 131—"A Bill to provide for the suppression of mob violence, and for the remuneration and proper distribution to dependents of or legal representatives of victims of lynchings, and punishment for participation in same."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Coleman, laid on the table.

Senate Bill No. 147—"A Bill to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hilleary, Howard, John, Jones, Kern, Lantz, Mahan, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Peck, Perin, Rankin, Rouss, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—62.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Coberly, Cox, Cunningham, Grove, Hall, Hendricks, Hersman, Hickman, Hobbs, Houvouras, Kuykendall, Lester, Miller, Moore, McClaren, McPherson, McVey, Otto, Parsons, Pedigo, Pettigrew, Pridemore, Richards, Scott, Shomo, Stover, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—31.

Ordered, That Mr. Neal (of Webster), communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 147).

Senate Bill No. 197—"A Bill to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code, one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cox, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hays, Hersman, Hilleary, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McVey, Neal (of Webster), Nutter, O'Connor, Peck, Perin, Rankin, Richards, Rouss, Sarver, Shaw, Spangler,

Starcher, Sturm, Summers, Swisher, Taylor, Thomas, Twyman, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Clements, Coberly, Cuppett, Grove, Hale, Hamilton, Harvey, Hendricks, Hickman, Hobbs, Houvouras, John, McClaren, McPherson, Neale (of Cabell), Otto, Parsons, Pedigo, Pettigrew, Pridemore, Scott, Shomo, Stover, Thurmond, Vaughn, Vanmeter and Williams (of Pleasants)—29.

Ordered, That Mr. Neal (of Webster), communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 197).

Mr. Moore in the Chair.

Senate Bill No. 169—"A Bill to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one of chapter fifteen-*j*, relative to the prevention of cruelty to animals, to become sections fourteen-*a*, fourteen-*b*, fourteen-*c*, fourteen-*d*, fourteen-*e*, fourteen-*f* and fourteen-*g* of chapter one hundred and forty-nine, Barnes' code of one thousand nine hundred and eighteen."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Coleman, Cosner, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hall, Hamilton, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClintic, McVey, Neale (of Cabell), Nutter, O'Connor, Perin, Pettigrew, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Sotver, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—61.

The noes were:

Messrs. Clements, Ferguson, Harvey, Hays, Moran, Neal (of Webster), and Peck—7.

Absent and not voting:

Messrs. Anderson, Blizzard, Coberly, Coon, Cox, Cuppett, Grove, Hale, Hendricks, Houvouras, Miller, McClaren, McDermit,

McPherson, Otto, Parsons, Pedigo, Pridemore, Rouss, Scott, Shomo, Summers, Vanmeter, Williams (of Pleasants) and Wysong—25.

Ordered, That Mr. Hackney communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 169).

Senate Bill No. 134—"A Bill to amend and re-enact sub-section two of section one; sub-section five of section one; section two, section six, all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen, and to add to said chapter section three-a and section six-a, all relating to the public health."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Hamilton, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Lantz, Lester, Mahan, Moore, Moulds, Musser, McClintic, Neale (of Cabell), Nutter, O'Connor, Peck, Perin, Pettigrew, Richards, Rouss, Sarver, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thoma, Vaughn, Weiss and Williams (of Ohio)—48.

The noes were:

Messrs. Calhoun, Ferguson, Hall, Harvey, Hersman, Kuykendall, McCauley, Neal (of Webster), Rankin, Shaw, Taylor and Wolfe (Speaker)—12.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Coberly, Coon, Cosner, Cox, Cuppett, Godfrey, Grove, Hackney, Hale, Hays, Hendricks, Miller, Mollohan, Moran, Morris, McClaren, McDermitt, McPherson, McVey, Otto, Parsons, Pedigo, Pridemore, Scott, Shomo, Thurmond, Twyman, Vanmeter, Williams (of Pleasants) and Wysong—33.

Ordered, That Mr. Thomas communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 134).

Senate Bill No. 176—"A Bill relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Calhoun, Capehart, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hamilton, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lester, Mahan, Moore, Moulds, Musser, McClaren, McClintic, Neale (of Cabell), Nutter, O'Connor, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—55.

The noes were:

Messrs. Clements, Coberly, Hall, Hays, Kuykendall, Lantz, Mollohan, McCauley and Neal (of Webster)—9.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Cox, Cuppett, Godfrey, Grove, Hackney, Hale, Harvey, Hendricks, John, Miller, Moran, Morris, McDermitt, McPherson, McVey, Otto, Pedigo, Pridemore, Sarver, Scott, Shomo, Thomas, Thurmond, Twyman, Vanmeter and Williams (of Pleasants)—29.

Ordered, That Mr. Capehart communicate to the Senate the concurrence of the House to Delegates in the passage of the bill (S. B. No. 176).

Senate Bill No. 99—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine and sixty-four, as amended by chapter thirty-nine, acts of one thousand nine hundred and seventeen, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty, and adding sections forty and one hundred and twenty-a, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. McClintic, severally made, the bill was amended as follows:

On page two, section one, sub-section-a, by striking out the words 'hotel or tavern.'

On page ten, section sixty-four, by striking out the following:

"On every license to keep a hotel or tavern where rooms are kept or maintained for rental, public use or resort, the annual

license tax shall be five dollars for the first twenty guest rooms or less, and fifty cents per room for each additional guest room so kept."

Mr. Lantz moved to amend the bill on page three, by striking out sub-section-*m* of section one,

Which amendment did not prevail.

Mr. McCauley moved to amend the bill on page two, section one, sub-section-*a*, by striking out the words "eating house or restaurant,"

Which amendment did not prevail.

The bill (S. B. No. 99), as amended, was then ordered to its third reading.

Senate Bill No. 129—"A Bill to amend and re-enact sections three and four of chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one, as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors; and to further amend said chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto four sections, to be numbered sections thirty-one-*a*, thirty-one-*b*, thirty-seven and thirty-eight, inclusive, as parts of said chapter thirty-two-*a*, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and to the ownership and operation of 'moonshine stills.'"

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hall, Hamilton, Harvey, Hersman, Hickman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moulds, Musser, McCauley, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pettigrew, Rankin, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm,

Summers, Swisher, Taylor, Thomas, Vaughn, Weiss, Wysong and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Bray, Coberly, Cox, Cuppett, Grove, Hackney, Hale, Hays, Hendricks, Howard, Miller, Moran, Morris, McClaren, McPherson, Otto, Parsons, Pedigo, Pridemore, Richards, Scott, Shomo, Thurmond, Twyman, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—28.

Ordered, That Mr. Sturm communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 129).

A message from the Senate by Mr. Scherr, announced that the Senate had amended, and passed as amended, and requested the concurrence of the House in the amendments to

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

And,

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailors' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowance of sheriffs and time of settlement and salary."

A message from the Senate by Mr. Scherr, announced the concurrence of that body in the passage of

House Bill No. 261—"A Bill allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailor's residence thereon."

A message from the Senate by Mr. Scherr, announced the concurrence of that body in the adoption of

HOUSE CONCURRENT RESOLUTION NO. 11.

"Relating to the Kenyon Bill."

And,

HOUSE CONCURRENT RESOLUTION NO. 12.

Requesting the War Department of the federal government to allot to the state of West Virginia certain captured German ordnance to be placed on the state house grounds.

A message from the Senate by Mr. Harmer, announced that the Senate had concurred in the House amendments to, and passed, as amended

Senate Bill No. 45—"A Bill to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, and to renumber the sections thereof; and to amend and re-enact sections three, four and ten of chapter fifteen-*m* of Barnes' code of one thousand nine hundred and sixteen, all relating to education."

A message from the Senate by Mr. Morton, announced that the Senate had concurred in the House amendments to, and passed, as amended

Senate Bill No. 147—"A Bill to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools."

Senate Bill No. 30—"A Bill relating to the salaries of county officers."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of the following named gentlemen, the bill was amended as follows:

By Mr. Hall:

On page nine, section forty-four, line one hundred and seventy-four, by striking out the word "five" and inserting in lieu thereof the word "eight".

By Mr. Stover:

On page eight, line one hundred and forty-two, by striking out the word "six" and inserting the word "eight"

On page three, line thirty-eight, after the word "thousand" by inserting the words "five hundred".

By Mr. Anderson:

On page eight, line one hundred and fifty-four, by striking out the word "three" and inserting the word "four" and striking out the words "five hundred".

By Mr. Houvouras:

On page three, line fifty-two, after the word "thousand" by inserting the words "five hundred".

By Mr. Mollohan:

On page four, lines seventy-two and seventy-three, by striking out the words "two hundred and fifty" and inserting in lieu thereof the words "five hundred".

By Mr. Kern:

On page eight, lines one hundred and fifty-one and one hundred and fifty-two, by striking out the words "thirty-five hundred" and inserting the words "four thousand".

By Mr. Weiss:

On page two, line twenty-nine, by striking out the words "forty-five hundred" and inserting the words "six thousand".

By Mr. Summers:

On page eight, line one hundred and forty, by inserting after the word "thousand" the words "five hundred".

By Mr. McVey:

On page four, line fifty-five, by striking out the word "three" and inserting in lieu thereof the word "four".

By Mr. Hays:

On page eight, line one hundred and forty-two, by inserting after the word "thousand" the word "five hundred".

By Mr. Weiss:

On page two, line twenty-one, strike out the word "three" and insert in lieu thereof the word "four" and strike out the words "five hundred".

On page four, line sixty-five, by striking out the words "two thousand seven hundred and fifty" and inserting in lieu thereof the words "thirty-six hundred".

On page four, line seventy-three, after the word "county" by striking out the word "four" and inserting in lieu thereof the word "five".

On page six, line one hundred and nine, by striking out the words "twenty-two hundred and fifty" and inserting in lieu thereof the words "three thousand".

On page six, line one hundred and sixteen, by striking out the word "three" and inserting in lieu thereof the word "four".

On page eight, lines one hundred and fifty-two and one hundred and fifty-three, by striking out the words "eighteen hundred" and inserting in lieu thereof the words "twenty-five hundred".

On page nine, line one hundred and sixty, by striking out the word "three" and inserting in lieu thereof the word "four".

By Mr. McVey:

On page six, line ninety-nine, by striking out the word "three" and inserting in lieu thereof the word "four".

On page eight, line one hundred and forty-one, strike out the word "three" and insert in lieu thereof the word "four".

By Mr. Perin:

On page two, line twenty-eight, strike out the word "five" and insert in lieu thereof the word "eight".

By Mr. Hobbs:

On page three, line thirty-seven, after the words "two thousand", appearing the second time, by inserting the words "four hundred"

By Mr. Houvouras:

On page five, line ninety-five, and line ninety-six on page six, strike out the words "three thousand five hundred" and insert in lieu thereof the words "four thousand".

By Mr. Hamilton:

On page two, line twenty, by striking out the words "forty-five hundred" and inserting in lieu thereof the words "five thousand"

By Mr. Thomas:

On page two, lines twenty-four and twenty-five, by striking out the words "thirty-five hundred" and inserting in lieu thereof the words "four thousand".

By Mr. Spangler:

On page two, line twenty-six, by striking out the words "eighteen hundred" and inserting in lieu thereof the words "two thousand."

By Mr. McVey:

On page one, line nine, by striking out the word "four" and inserting in lieu thereof the word "five."

By Mr. Coberly:

On page eight, line one hundred and forty-five, strike out the words "six hundred" and insert the words "not less than six hundred nor more than eight hundred, the amount to be fixed by the county court."

On page ten, line one hundred and eighty, by striking out the word "eight" and inserting in lieu thereof the word "nine."

By Mr. Hale:

On page four, lines sixty-six and sixty-seven, by striking out the words "four thousand" and inserting in lieu thereof the words "forty-five hundred."

On page six, lines one hundred and ten and one hundred and eleven, by striking out the words "four thousand" and inserting in lieu thereof the words "forty-five hundred."

By Mr. Lester:

On page one, section forty-four, line seven, by striking out the word "six" and inserting in lieu thereof the word "eight."

By Mr. Pettigrew:

On page two, line seventeen, by striking out the word "five" and inserting in lieu thereof the word "six."

On page four, line sixty-one, by striking out the word "four" and inserting the word "five."

On page six, line one hundred and five, by striking out the word "four" and inserting in lieu thereof the word "five."

By Mr. Hays:

On page one, section forty-four, line ten, by striking out the words "two hundred" and inserting the words "five hundred."

On page six, line fifty-six, by striking out the words "eighteen hundred" and inserting in lieu thereof the words "two thousand."

On page six, line ninety-nine, by striking out the word "five" and inserting in lieu thereof the word "eight."

By Mr. Moulds:

On page two, line thirteen, after the word "thousand" appearing the second time, by inserting the words "five hundred."

On page four, line fifty-eight, by striking out the word "one" and the words "eight hundred" and inserting the words "two" after the word "county."

On page six, line one hundred and two, by striking out the word "two" and inserting in lieu thereof the word "five."

On page eight, line one hundred and forty-five, by striking out the word "two" and inserting in lieu thereof the word "five."

By Mr. Thomas:

On page four, line sixty-nine, by striking out the words "three thousand" and inserting the words "thirty-five hundred."

On page six, line one hundred and twelve, by striking out the words "three thousand" and inserting the words "thirty-five hundred."

On page eight, lines one hundred and fifty-six and one hundred and fifty-seven, by striking out the words "two thousand seven hundred and fifty" and inserting the words "three thousand."

By Mr. Wolfe:

On page eight, line one hundred and forty-seven, insert after the word "thousand" the words "two hundred."

By Mr. Scott:

On page nine, line one hundred and sixty-five, by striking out the words "twenty-four hundred" and inserting the words "three thousand."

On page five, line seventy-seven, by striking out the words "twenty-four hundred" and inserting the words "three thousand."

On page three, lines thirty-four and thirty-five, by striking out the words "three thousand" and inserting the words "thirty-five hundred."

On page seven, line one hundred and twenty-one, by striking out the words "two thousand" and inserting the words "twenty-four hundred."

By Mr. Taylor:

On page nine, line one hundred and sixty-four, by striking out the words "one thousand" and inserting the words "twelve hundred after the year 1921."

On motion of Mr. McPherson, the bill was amended by striking out the enacting clause.

House Bill No. 53—"A Bill to provide for the education and maintenance of indigent children."

On second reading, coming up in regular order for consideration, was

On motion of Mr. McClintic, laid on the table.

Senate Bill No. 167—"A Bill to amend and re-enact section forty-nine of chapter fifty-three of the code."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 95—"A Bill to amend and re-enact section thirty-three of chapter forty-six-a of the code of West Virginia, Barnes' edition one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Harvey, Hays, Hersman, Hickman,

Hobbs, Hucvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Perin, Pettigrew, Pride-more, Rankin, Richards, Sarver, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—67.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Blizzard, Cosner, Cox, Cuppett, Godfrey, Grove, Hall, Hendricks, Hilleary, John, Miller, Moore, Moran, Morris, McPherson, Otto, Pedigo, Rouss, Shomo, Thurmond, Vanmeter, Williams (of Pleasants) and Wysong—26.

Ordered, That Mr. Cosner communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 95).

Senate Bill No. 56—"A Bill to amend and re-enact chapter forty-six-a of Barnes' code of West Virginia, of one thousand nine hundred and sixteen, relating to the care and disposition of delinquent children."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

House Bill No. 215—"A Bill to amend and re-enact sections twenty-two and twenty-three of chapter one hundred and sixteen of the code of West Virginia, relating to the compensation of grand and petit jurors."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hays, Hickman, Jones, Kern, Kuykendall, Mahan, Mollohan, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), O'Connor, Parsons, Peck, Perin, Pettigrew, Richards, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—54.

The noes were:

Messrs. Hersman, Neal (of Webster), Rankin and Sarver—4.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Coberly, Cosner, Cox, Godfrey, Grove, Hall, Hamilton, Hendricks, Hilleary, Hobbs, Houvouras, Howard, John, Lantz, Lester, Miller, Moore, Moran, Morris, McPherson, Nutter, Otto, Pedigo, Pridemore, Rouss, Shomo, Summers, Thomas, Thurmond, Vanmeter, Williams (of Pleasants) and Wysong—35.

Ordered, That Mr. Moore communicate to the Senate the passage of the bill (H. B. No. 215) and ask concurrence therein.

Senate Bill No. 24—"A Bill to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to care and preservation of state and county archives."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 27—"A Bill amending and re-enacting section five of chapter one hundred and fifty of the code of West Virginia, by adding thereto section five-a."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hays, Hersman, Hickman, Hobbs, Houvouras, Jones, Kern, Kuykendall, Mahan, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Ohio), and Wolfe (Speaker)—57.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Coberly, Cosner, Cox, Cuppett, Godfrey, Grove, Hall, Hamilton, Hendricks, Hilleary, Howard, John, Lantz, Lester, Miller, Mollohan, Moore, Moran, Morris, McPherson, Nutter, O'Connor, Otto, Pedigo, Pridemore, Rouss, Scott, Shomo, Summers, Thomas, Thurmond, Vanmeter, Williams (of Pleasants) and Wysong—36.

Ordered, That Mr. Mahan communicate to the Senate the concurrence of the House to Delegates in the passage of the bill (S. B. No. 27).

House Bill No. 303—"A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provision by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain or assist in building, constructing and maintaining the same, and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years."

On first reading, coming up in regular order for consideration, was
On motion of Mr. McClintic, laid on the table.

House Bill No. 30—"A Bill to amend and re-enact section twenty-three of chapter seventy-two, of the acts of one thousand nine hundred and fifteen, being section twenty-three of chapter one hundred thirty-one of Barnes' code of one thousand nine hundred and sixteen."

On first reading, coming up in regular order for consideration, was

On motion of Mr. McClintic, laid on the table.

Senate Bill No. 150—"A Bill to amend and re-enact chapter fifty-four-c of the code of West Virginia, one thousand nine hundred and sixteen, relating to the incorporation and regulation of trust, fidelity, surety, guarantee, bonding, insurance and title companies."

On first reading, coming up in regular order for consideration, was read a first time, and

On motion of Mr. McClintic, reference to a committee was dispensed with, and the bill (S. B. No. 150) ordered to its second reading.

Senate Bill No. 233—"A Bill to authorize and empower the state board of health to grant and issue license for the practice of medicine and surgery to certain qualified applicants."

On first reading, coming up in regular order for consideration, was read a first time, and

On motion of Mr. Ferguson, reference to a committee was dispensed with, and the bill (S. B. No. 233) ordered to its second reading.

Senate Bill No. 62—"A Bill to amend chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, by adding thereto section twenty-eight-a by which to enable building and loan associations to create a limited sinking fund to stabilize the maturity of stock series; and to require building and loan associations, whether incorporated or not incorporated, and all persons, firms, partnerships, associations, trustees, or combination of persons doing a building and loan business, or business of like kind or character, to obtain a permit from the Commissioner of Banking, and providing penalties."

On first reading, coming up in regular order for consideration, was read a first time, and

On motion of Mr. McClintic, reference to a committee dispensed with, and the bill (S. B. No. 62), ordered to its second reading.

Senate Bill No. 245—"A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provisions by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct, and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years."

On first reading, coming up in regular order for consideration, was read a first time, and

On motion of Mr. McClintic, reference to a committee dispensed with, and the bill (S. B. No. 245) ordered to its second reading.

On the further motion of the same gentleman, the bill (S. B. No. 245) was made a special order for 11 o'clock, A. M., tomorrow.

House Bill No. 304—"A Bill for the commitment to a state hospital for the insane, persons so far addicted to the use of opium or cocaine or any derivation of either, that his will to resist the desire of such drugs is substantially destroyed."

On first reading, coming up in regular order for consideration, was

On motion of Mr. McClintic, laid on the table.

Senate Bill No. 164—"A Bill to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one and twenty-three of chapter five, of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Fortney (of Preston), severally made, the bill was amended as follows:

In section twenty-nine, page eleven, line fourteen, after the word "conventions," add the following: "Except as hereinafter provided."

At the end of section twenty-nine, on page twelve, add the following: "*Provided*, that at the option of the judicial committee of either party, of any judicial circuit, candidates for circuit judges may be nominated at the primary provided for by this act; such committee to decide as to such nominations between the first and fifteenth of January in each year in which such circuit judges are to be elected."

On motions of Mr. Anderson, severally made, the bill was amended as follows:

On page two, line twenty-two, strike out the word "next" and insert in lieu thereof the word "last."

On page eight, line four, after the word "the," appearing a second time in the line, insert the words "last preceding."

On page eight, line five, strike out all of lines five and six down to and including the word "therefor" and insert the word "may."

On page eight, line eleven, after the word "the" appearing at the beginning of the line, insert the words "last preceding."

On page eight, line eleven, strike out the words "held in the year 1912."

On page eleven, following line twenty-seven, insert the following:

"The county executive committee of the respective political parties shall meet on the first Thursday before said judicial convention to hear and determine any contest of delegates, if any, to said convention, and the supreme court of appeals shall have concurrent jurisdiction with the circuit court to hear and determine any appeal from the decision of any county executive committee in such matter."

The bill, (S. B. No. 164), and amended, was then ordered to its third reading.

Senate Bill No. 165—"A Bill to amend and re-enact chapter thirteen, second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state or to the United States to be absent from their voting precincts on the day of election, to vote by registered mail."

On second reading, coming up in regular order for consideration, was read a second time and ordered to its third reading.

Senate Bill No. 206—"A Bill to amend and re-enact section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session of one thousand nine hundred and seventeen, and add section forty-two-a to said chapter."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Capehart, Coleman, Coon, Cunningham, Cuppett, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hickman, Hobbs, Houvouras, Howard, Jones, Lester, Mahan, Moulds, Musser, McClaren, McClintic, Neale (of Cabell), O'Connor, Parsons, Perin, Pettigrew, Richards, Sarver, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss and Wolfe (Speaker)—41.

The noes were:

Messrs. Bray, Calhoun, Clements, Harvey, Hays, Mollohan, McDermitt, McPherson, Neal (of Webster), Peck, Rankin, Scott and Shaw—13.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Byrnes, Coberly, Cosner, Cox, Ferguson, Fitch, Godfrey, Grove, Hall, Hamilton, Hendricks, Hersman, Hilleary, John, Ker. Kuykendall, Lantz, Miller, Moore, Noran, Morris, McCauley, McVey, Nutter, Otto, Pedigo, Pride, Rouss, Shomo, Summers, Thomas, Thumrond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—39.

Ordered, That Mr. Starcher communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 206).

Senate Bill No. 236—"A Bill creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Bray, indefinitely postponed.

Senate Bill No. 192—"A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Hobbs, severally made, the bill was amended as follows:

On page thirteen, line one hundred and twelve, strike out the words "prohibit."

In the same line strike out the words "telephone plants."

On page sixty-two, section seventy-nine, line three, strike out the word "two" and insert in lieu thereof the word "one."

On page sixty-two, section seventy-nine, line three, after the word "age" insert the following words "up to fifty years."

On page one hundred and two, section ninety-eight, line six, strike out all of the words after the word "hereunder" down and including the word "hereunder" in line nine.

On page twenty-eight, section thirty-six, line thirteen, by adding:
"And *provided, further, that* two of the members of the board of affairs shall be residents of the city of Hinton as constituted prior to this act must belong to different political parties, and the re-

maintaining two members of the board of affairs shall be residents of the additional territory herein included within the bounds of the city of Hinton."

On page one hundred and three, section one hundred and two of article fifteen, line two, by striking out the words "to be held" and inserting in lieu thereof "which shall be held as hereinafter provided," making the same to read: "Section 102, That in the event of a majority of the votes cast at an election which shall be held as hereinafter provided on the twenty-seventh day of May," etc.

On page one hundred and thirteen, section one hundred and seventeen, line three, by striking out the word "may" and inserting in lieu thereof the word "shall making the same to read "and shall establish, provide and maintain a high school," etc.

On page one hundred and twenty, section one hundred and twenty-three, as follows:

"Sec. 123. A special election shall be held within thirty days from the passage of this act under the supervision of the county court of Summers county at which there shall be submitted to the legal voters residing within the territory of the city of Hinton as bound and designated in section two of this act the question of the ratification or refunction of this act, said election to be held in accordance with the general laws of this state governing the holding of elections for the laying of special tax levies by the county courts of this state. The said county court being hereby given full powers to hold, conduct, and ascertain the result of said election and certify the same to the board of affairs of the city of Hinton. The ballot to be voted at said election shall be printed upon plain white paper in the following form:

BALLOT ON CITY OF HINTON CHARTER

[] For ratification of charter

[] Against ratification of charter

"If a majority of the votes cast be for ratification, then this act shall be in force on and after the date on which the results of said special election are declared by the county court, otherwise this act shall be void on and after said date.

The bill (S. B. No. 192), as amended, was then ordered to its third reading.

On motion of Mr. Perin, the House adjourned.

FRIDAY, FEBRUARY 21, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Knight, Chaplain of the House.

Pending the reading of the Journal of yesterday,

On motion of Mr. Sarver, the further reading thereof was dispensed with.

The following communication was received from the Governor, read by the Clerk, and ordered printed in the Journal:

CHARLESTON, W. VA., FEBRUARY 20, 1919.

To the Legislature:

Inasmuch as the two houses of the legislature have passed a joint resolution accepting Virginia's proposition for a settlement of the judgment rendered by the United States supreme court in favor of Virginia and against the state of West Virginia, and

Inasmuch as a special session of the legislature will be necessary to formulate and enact legislation carrying into effect the settlement so accepted and providing revenue therefor, and

Inasmuch further as the members of the House of Delegates and a number of senators have indicated that they would prefer that the proposed special session be not called immediately but after a period of ten or fifteen days, I beg to suggest to the legislature that, in order to save time, it might be advantageous if a joint resolution were passed creating a special committee to formulate tentative bills for submission to the legislature when it reconvenes.

It further occurs to me that the special committee might be selected from among the membership of the following standing committees in the two Houses:

Judiciary Committee,

Finance Committee,

Committee on the Virginia Debt.

In order that this be a working committee, of course, the membership you will not want to make too large, perhaps not more than two members from each of the committees to which I have referred.

Respectfully,

JNO. J. CORNWELL, *Governor.*

Mr. McClintic offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 15.

"Relating to the question of state police."

Resolved, By the House of Delegates, the Senate concurring, that Honorable John J. Cornwell, Governor of West Virginia, be and he is

hereby requested to include the question of state police protection in his call for the extra session of the legislature shortly to be issued by him; and

Resolved, further, That the President of the Senate and the Speaker of the House of Delegates be, and each of them are hereby authorized, empowered and directed to appoint a committee of five members from each of the Houses; and

Resolved, further, That such committees shall meet as soon as possible and act as a joint committee for the purpose of investigating and reporting upon the subject of state police protection, and such committees shall report by bill or otherwise to the legislature when it meets in extra session; and

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Ordered, That Mr. McClintic communicate to the Senate the adoption of the resolution (H. C. R. No. 15) and request concurrence therein.

Mr. McClintic, from the Committee on Rules, offered the following resolutions:

Resolved, That in order to complete the work of the session in arranging and filing of all bills, resolutions and other official papers in the Clerk's office and to allow time for the proper indexing of the corrected House Journal and superintending the printing thereof, that the per diem of the Clerk of the House and two assistant clerks and one stenographer be extended ninety days after the adjournment of the session at the rate per diem received during the session and for proof reading, indexing and superintending the printing of the acts of the session of the legislature, the Clerk be allowed four other assistant clerks for the purpose of assisting in indexing, and proof reading the Journal of the House and the acts of the legislature with an extension of sixty days each with the pay of assistant clerk during the session; also the time of one minute clerk be extended for thirty days, with pay of minute clerk, to make up the Journal of the last day of the session and to check up the corrected Journal, and that the Clerk be allowed one page for thirty days with same pay received by Clerk's page during the session.

That the sergeant-at-arms of the House of Delegates be allowed an extension of forty-five days for the purpose of closing up the accounts of all the members and attaches with the auditor of the state, forwarding all mail coming to the capitol for members, and posting up his books, storing all furniture and supplies in one of the rooms of the capitol, placing the same under lock and delivering the key to the head janitor to be kept by him until the next session of the legislature.

That the Speaker of the House of Delegates be allowed an extension of sixty days for the purpose of signing the Journal of the House of Delegates and his other duties as such officer and that the stenographer to the Speaker be extended sixty days at the rate per diem received during the session.

And for the purpose of superintending the printing and proof reading of the evidence in the George C. Sturgiss impeachment case and properly indexing same as provided for by the House of Delegates, the Clerk of the House, and two assistant clerks is hereby extended sixty days additional at same rate per diem as paid during the session, and the sergeant-at-arms is hereby directed to draw his warrants on the auditor, payable out of the contingent fund of the House therefor.

That the sergeant-at-arms of the House of Delegates is hereby authorized and directed to draw his warrants payable to the Clerk of the House of Delegates for the extensions hereinbefore provided for, payable out of the contingent fund of the House of Delegates to be by said Clerk of the House paid to the respective officers and clerks when the services are rendered for the per diem as provided for in this resolution, and the auditor is hereby directed to pay same on presentation of said warrants.

WHEREAS, The following named assistant janitors, W. O. Davis, Harvey Johnson, John Bass, Arthur Ragland, J. J. Spencer, Ed. Scott and Lizzie Scruggs have been faithful in the performance of duty as such janitors and the chamber of the House of Delegates and corridor during this session have been better kept and cleaner than ever before; therefore be it

Resolved, That the above named employees be allowed an extra per diem of two dollars per day during the session and the sergeant-at-arms of the House is directed to draw his warrant on the auditor for same, payable out of the contingent fund of the House of Delegates.

Resolved, further, That Richard Sterling and Merrill Harding, who have acted as journal pages the entire session, be and they are

hereby allowed full pay as such for the entire session, and all the journal pages are hereby allowed the sum of two dollars per day extra for the session, and that G. S. Wilmore, chief of pages, be allowed one dollar per diem extra during the session; that Albert Mayer be appointed floor page during the session with pay as floor page, and the sergeant-at-arms of the House is directed to draw his warrant on the auditor for same, payable out of the contingent fund of the House of Delegates.

Resolved, further, That Mrs. R. H. Richardson be paid the sum of ten dollars for rent of typewriter, to be paid as above; and Mrs. Bertha Conley, elevator attendant, be allowed one dollar per day for the session to be paid as above.

WHEREAS, It will be necessary for the mail and banking page to forward the mail of the members after the end of the session; therefore be it

Resolved, That the time of the said mail and banking page be extended for a period of fifteen days and that the sergeant-at-arms is hereby directed to draw his warrant therefor, and the auditor is directed to pay the same, at the same per diem allowed said page during this session, out of the contingent fund of the House.

On the further motion of the same gentleman the resolution was taken up for immediate consideration and adopted.

Mr. Twyman offered the following resolution:

Resolved, That the House of Delegates extend its thanks to the public printer for the efficient manner in which he furnished this body with all legislative printing.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

House Bill No. 132—"A Bill to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and eighteen, of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams."

With Senate amendments, coming up in regular order for consideration.

The amendments were reported by the Clerk as follows:

On page eight, line eighteen, after the words "and the" by striking

out the word "first" and inserting in lieu thereof the word "fifteenth."

On page seven, after line one hundred and thirteen, by inserting:

"Section 25. No person shall hunt, chase, wound or kill any elk in this state at any time for a period of eight years from and after the passage of this act; *provided*, that the owner of any elk, which shall be kept in any park or field sufficiently inclosed to reasonably prevent their escape therefrom, shall have the right to kill any elk of his own; *provided, further*, that such owner may pursue, recapture or kill any of his elks that may escape from his inclosure. No person shall hunt, chase, wound or kill any deer in this state at any time for a period of three years from and after the passage of this act; *provided*, that the owner of any deer, which shall be kept in any park or field sufficiently inclosed to reasonably prevent their escape therefrom, shall have the right to kill any deer of his own; *provided, further*, that such owner may pursue, recapture or kill any of his deer that may escape from his inclosure.

No person shall chase, wound or kill any wild turkey in this state at any time for a period of two years from and after the passage of this act. No person or persons shall chase or hunt deer with dogs in this state at any time. Any person violating any provision of this paragraph shall be guilty of a felony, and on conviction thereof shall be confined in the penitentiary not less than six months nor more than five years.

No person shall hunt, chase, kill or wound any deer after the year one thousand nine hundred and twenty-one, from the first day of December until the fifteenth day of October following, of any year, except tame deer owned by the person owning same; nor shall any one person kill more than one deer in any one season. No person shall at any time kill any fawn, doe, or any other deer than bucks with horns or antlers over four inches in length, or have the fresh skin of any doe or fawn in his possession. No person shall at any time kill or have in his possession any deer, quail, pheasant or ruffed grouse, wild turkey, squirrel, or any part of the same, or game fishes with the intention of sending or transporting the same or having the same sent or transported beyond the limits of this state. Any person violating any provision of this paragraph shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five nor more than fifty dollars for each and every deer unlawfully hunted, chased, wounded, or killed, and for each doe or fawn's skin had in his possession, and not less than twenty-five dollars nor more than fifty dollars for each and every quail, ruffed grouse or pheasant.

wild turkey or any part of the same, for each and every game fish and for each deer, or part of a deer, killed or had in possession with the intention of sending or transporting the same, or having sent or transported beyond the limits of this state. And in addition to the fine or fines prescribed in this paragraph, the person or persons convicted may be confined in the county jail not to exceed sixty days for each and every offense; and upon default of the payment of the fine and costs shall be confined in the county jail until the same are paid, but not to exceed a period of sixty days."

On page fifteen, in line sixty-one, by striking out the word "April," and inserting in lieu thereof the word "May."

On page eight, in line thirty-seven, by striking out the words "January and the first day of November," and inserting in lieu thereof the words "February and the first day of December."

On page four, in line sixty-three, after the word "for," by inserting the words "filling out, acknowledging affidavit and."

The title of the bill was amended in line five, after the word "nineteen," by inserting the word "twenty-five."

On motion of Mr. McClintic, the House agreed to the amendments proposed by the Senate.

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, O'Connor, Otto, Parsons, Peck, Pettigrew, Rankin, Richards, Shaw, Starcher, Stover, Sturm, Swisher, Taylor, Thurmond, Twyman, Vaughn and Wolfe (Speaker)—61.

The noes were:

Messrs. Harvey, McCauley, McDermitt, Neal (of Webster), Pride-more and Sarver—6.

Absent and not voting:

Messrs. Anderson, Blizzard, Coberly, Coon, Cosner, Cox, Ferguson, Grove, Hale, Hall, Hersman, Neale (of Cabell), Nutter, Pedigo, Perin, Rouss, Scott, Shomo, Spangler, Summers, Thomas, Vanmeter, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wysong—26.

On page five, section eight, line twenty-seven, by striking out the word "order."

On page five, section eight, line twenty-seven, after the word "action," by inserting the word "provided."

On page five, section eight, line thirty, after the word "criminal," by inserting the words "common pleas."

On page six, line fifty-one, after the word "criminal," by inserting the words "common pleas."

On page five, section eight, line thirty, by striking out the words "court and."

On page six, line fifty-one, by striking out the word "and."

On page six, beginning in line fifty-two, after the word "attorney," by striking out the words "shall be paid monthly to those entitled to the amount out of the county fund in the manner provided by law."

On page six, line fifty-six, after the word "monthly," by inserting the words "in the manner provided by law."

On page six, line fifty-one, by striking out the words "clerk of the circuit."

On page seven, line seventy-five, after the word "entitled," by striking out the words "and in payment of the monthly compensation to which his deputy, assistant or employee is entitled."

On page two, section thirteen, line four, after the word "law," by striking out the words "the actual cost thereof not to exceed."

On page two, section thirteen, line six-a, after the word "allow," by striking out the words "the actual cost thereof."

On page two, section thirteen, line eleven, after the word "expended," by striking out the words "in sitting for collection of taxes."

On page three, line sixteen-seventeen, by striking out the word "shall," and inserting in lieu thereof the word "may."

On motion of Mr. Moore, the House agreed to the amendments proposed by the Senate.

Pending the roll call on the passage of the bill with its title, as amended,

On motion of Mr. Moore, the announcement of the vote was postponed until 2 o'clock. P. M.

A message from the Senate, by Mr. Arnold, announced the passage by that body of

Senate Bill No. 113—"A 'Budget Bill' making appropriations of public moneys out of the treasury, in accordance with the provisions

Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Sarver, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—72.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Capehart, Clements, Coberly, Cosner, Cox, Grove, Hall, Hersman, Houvouras, Howard, Neal (of Webster), Rouss, Scott, Shaw, Shomo, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—21.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 113) takes effect from its passage.

Ordered, That Mr. Parsons communicate to the Senate the adoption of the Conference Committee report and the passage of the bill as amended.

Unanimous consent being given,

On motion of Mr. Swisher,

SENATE JOINT RESOLUTION No. 21—"Relating to the appointment of a committee to prepare bills concerning state roads and highways." Was taken up for immediate consideration and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, John, Kern, Lantz, Lester, Mahan, Miller Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—73.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Capehart, Cosner, Cox, Cunningham, Grove, Hale, Hall, Hickman, Howard, Jones, Kuykendall, Neal (of Webster), Sarver, Shomo, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—20.

So, a majority of those present and voting having voted in the affirmative, the resolution was adopted.

Ordered, That Mr. Swisher communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. J. R. No. 21).

The hour having arrived to which

Senate Bill No. 245—"A Bill to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provisions by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain, or assist in building, constructing and maintaining the same and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years."

Was made a special order,

On motion of Mr. McClintic

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver,

maintaining two members of the board of affairs shall be residents of the additional territory herein included within the bounds of the city of Hinton."

On page one hundred and three, section one hundred and two of article fifteen, line two, by striking out the words "to be held" and inserting in lieu thereof "which shall be held as hereinafter provided," making the same to read: "Section 102, That in the event of a majority of the votes cast at an election which shall be held as hereinafter provided on the twenty-seventh day of May," etc.

On page one hundred and thirteen, section one hundred and seventeen, line three, by striking out the word "may" and inserting in lieu thereof the word "shall" making the same to read "and shall establish, provide and maintain a high school," etc.

On page one hundred and twenty, section one hundred and twenty-three, as follows:

"Sec. 123. A special election shall be held within thirty days from the passage of this act under the supervision of the county court of Summers county at which there shall be submitted to the legal voters residing within the territory of the city of Hinton as bound and designated in section two of this act the question of the ratification or refunction of this act, said election to be held in accordance with the general laws of this state governing the holding of elections for the laying of special tax levies by the county courts of this state. The said county court being hereby given full powers to hold, conduct, and ascertain the result of said election and certify the same to the board of affairs of the city of Hinton. The ballot to be voted at said election shall be printed upon plain white paper in the following form:

BALLOT ON CITY OF HINTON CHARTER

[] For ratification of charter

[] Against ratification of charter

"If a majority of the votes cast be for ratification, then this act shall be in force on and after the date on which the results of said special election are declared by the county court, otherwise this act shall be void on and after said date.

The bill (S. B. No. 192), as amended, was then ordered to its third reading.

On motion of Mr. Perin, the House adjourned.

No. 245).

House Bill No. 62—"A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brammer, Calhoun, Capehart, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Harvey, Hays, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moran, Moulds, Musser, McClaren, McClintic, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Richards, Shaw, Spangler, Starcher, Stover, Sturm, Taylor, Thomas, Vaughn, Weiss, Wysong and Wolfe (Speaker)—52.

The noes were:

Messrs. Bland, Brand, Clements, Ferguson, Hersman, John, Lantz, Mollohan, McCauley, McDermitt, McPherson, Neal (of Webster), Peck, Rankin, Rouss, Swisher and Twyman—17.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Byrnes, Coberly, Coleman, Cosner, Cox, Grove, Hale, Hall, Hamilton, Hendricks, Hilleary, Moore, Morris, Sarver, Scott, Shomo, Summers, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—24.

Ordered, That Mr. O'Connor communicate to the Senate the passage of the bill (H. B. No. 62), and ask concurrence therein.

Senate Bill No. 214—"A Bill to amend and re-enact section one of chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-e-two, of chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred and twelve-a of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one and one hundred and two of the acts of West Virginia, regular session of the legislature one thousand nine hundred and seventeen; to rearrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit court in the several counties therein."

Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss and Wolfe (Speaker)—73.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Coon, Cosner, Cox, Grove, Hickman, Howard, Kuykendall, Lester, Morris, Parsons, Peck, Scott, Shaw, Shomo, Thomas, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—20.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—76.

The noes were:

None.

Absent and not voting:

Messrs. Coon, Cosner, Cox, Grove, Hackney, Hickman, Howard, Lester, Otto, Scott, Shomo, Taylor, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—17.

Ordered, That Mr. Swisher communicate to the Senate the concurrence of the House of Delegates in the passage of the bill. (S. B.

No. 245).

House Bill No. 62—"A Bill to amend and re-enact section twenty-two of chapter one hundred and thirty-seven of the code of West Virginia relating to the salaries of janitors for court houses."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brammer, Calhoun, Capehart, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Harvey, Hays, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Moran, Moulds, Musser, McClaren, McClintic, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Richards, Shaw, Spangler, Starcher, Stover, Sturm, Taylor, Thomas, Vaughn, Weiss, Wysong and Wolfe (Speaker)—52.

The noes were:

Messrs. Bland, Brand, Clements, Ferguson, Hersman, John, Lantz, Mollohan, McCauley, McDermitt, McPherson, Neal (of Webster), Peck, Rankin, Rouss, Swisher and Twyman—17.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Byrnes, Coberly, Coleman, Cosner, Cox, Grove, Hale, Hall, Hamilton, Hendricks, Hilleary, Moore, Morris, Sarver, Scott, Shomo, Summers, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—24.

Ordered, That Mr. O'Connor communicate to the Senate the passage of the bill (H. B. No. 62), and ask concurrence therein.

Senate Bill No. 214—"A Bill to amend and re-enact section one of chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-e-two, of chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred and twelve-a of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one and one hundred and two of the acts of West Virginia, regular session of the legislature one thousand nine hundred and seventeen; to rearrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit court in the several counties therein.'

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Byrnes, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss and Wolfe (Speaker)—58.

The noes were:

Messrs. Bray, Calhoun, Ferguson, Hall, Hamilton, Harvey, Hays, Kern, Lantz, Lester, Miller, Mollohan, Neal (of Webster), Peck, Rouss, Shaw, Thomas and Thurmond—18.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Coberly, Cosner, Cox, Grove, Kuykendall, McCauley, Sarver, Scott, Shomo, Summers, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—17.

Ordered, That Mr. McVey communicate to the Senate the amendment by the House of Delegates and passage of the bill (S. B. No. 214), as amended, and ask concurrence therein.

The following communication was received from the Senate and read by the Clerk:

CHARLESTON, W. VA., FEBRUARY 21, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates.

SIR:

The Senate this day adopted House Concurrent Resolution No. 13, "Providing for the printing and distribution of advance copies of the acts of the regular session of one thousand nine hundred and nineteen." The resolution is herewith returned.

Yours truly,

JOHN T. HARRIS,
Clerk of the Senate.

On motion of Mr. McClintic,

Senate Bill No. 30—"A Bill relating to the salaries of county officers."

Was made a special order for 2:30 o'clock, P. M., this day.

A message from the Senate by Mr. Scherr, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 23.

"Approving and endorsing the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers."

WHEREAS, The President of the United States by his proclamation of November 29, 1918, has called upon the people of the United States to make generous contributions to sustain the peoples of the near east who through no fault of their own have been left in a starving, shelterless condition, without the benefit of the usual war agencies; and

WHEREAS, The American committee for relief of Armenians, Syrians, Greeks and other such sufferers in the near east, has appealed for \$30,000,000 for such purpose, of which sum West Virginia is asked to raise \$218,000.00; and

WHEREAS, Many states have already raised their respective apportionments, but owing to the influenza epidemic the campaign for such fund in this state has been postponed until March twenty-third to thirtieth next; and

WHEREAS, The said campaign is duly authorized and, because of the fact that thousands are literally starving, is eminently worthy and imperative; therefore, be it

Resolved by the Legislature of West Virginia, That the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers in the near east is hereby approved and endorsed as worthy the support of all patriotic and humanitarian citizens.

And asked the concurrence of the House therein.

A message from the Senate by Mr. Burr, announced the concurrence by that body in the adoption of

HOUSE JOINT RESOLUTION No. 15.

WHEREAS, There is a bill now pending in the congress of the United States, known as House of Representatives Bill 13651, designed to aid soldiers, sailors and marines in acquiring homes and farms, the provisions of which bill, in full, are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be immediately available and

to remain available until expended, the sum of \$100,000.00, to be expended under the direction of the secretary of the interior, for the investigation, irrigation, drainage and development of swamp, arid, waste and undeveloped lands for the purpose of providing employment and farms with improvements and equipment for honorably discharged soldiers, sailors and marines of the United States, including necessary expenditures for personal services in the District of Columbia and elsewhere and the purchase, maintenance, hire and operation of motor-propelled or horse-drawn vehicles. The lands reclaimed hereunder shall be disposed of, under general regulations approved by the secretary of the interior, in such manner and under such terms and conditions as shall insure the reimbursement of the investment of the United States or others therein, during a term not exceeding forty years from date of entrance upon the land by the settler, together with interest from such date at four per centum per annum. The money herein appropriated shall be expended in the development of one or more projects in each of the several states, if feasible projects be found therein.

The secretary of the interior is authorized to make any contracts or arrangements and to do any or all acts necessary in his opinion, including the disposition of public lands, the acquisition of lands or property needed for rights of way or other purposes in connection with the development of any project by purchase or condemnation, for carrying out the purposes hereof; and

WHEREAS, This legislature is of the opinion that it is desirable that the federal government as well as the states, counties, municipalities, corporations and individual citizens do everything possible to provide employment for returning soldiers, sailors and marines and to aid them in establishing homes; and

WHEREAS, There are large areas of lands in West Virginia which might be utilized in carrying out the work the aforementioned bill entrusts to the secretary of the interior; therefore, be it

Resolved, That the senators and representatives from this state in the congress of the United States be requested to support said bill, with or without amendments as they shall deem advisable; and

Resolved, further, That a copy of this resolution be sent by the Clerk of this legislature to each of our senators and representatives in congress.

A message from the Senate by Mr. Montgomery, announced the concurrence by that body in the adoption of

HOUSE CONCURRENT RESOLUTION No. 15.

"Relating to the question of state police."

Resolved, by the House of Delegates, the Senate concurring, That Honorable Jno. J. Cornwell, Governor of West Virginia, be and he is hereby requested to include the question of state police protection in his call for the extra session of the legislature shortly to be issued by him; and,

Resolved, further, That the President of the Senate and the Speaker of the House of Delegates be, and each of them is hereby authorized, empowered and directed to appoint a committee of five members from each of the Houses; and

Resolved, further, That such committees shall meet as soon as possible and act as a joint committee for the purpose of investigating and reporting upon the subject of state police protection, and such committees shall report by bill or otherwise to the legislature when it meets in extra session; and

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

A message from the Senate by Mr. Morton, announced the amendment and passage by that body as amended of

House Bill No. 123—"A Bill to amend chapter forty-three, Barnes' code, one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-a, authorizing county courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county."

And asked the concurrence of the House therein.

A message from the Senate by Mr. Burgess, announced the concurrence by that body in the passage of

House Bill No. 257—"A Bill fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia."

A message from the Senate by Mr. Scherr, announced the concurrence by that body in the passage of

House Bill No. 296—"A Bill fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia."

A message from the Senate by Mr. Luther, announced the concurrence by that body in the passage of

House Bill No. 249—"A Bill fixing the annual allowance to the clerk of the county court of McDowell county."

A message from the Senate by Mr. Harmer, announced the amendment and passage by that body, as amended, of

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven, acts of May twenty-six, one thousand nine hundred and seventeen, relative to the protection of live stock and to add sections seven, eight, nine and ten thereto."

And asked the concurrence of the House therein.

On motion of Mr. Fortney (of Preston), the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. McClintic in the Chair.

Unanimous consent being given,

On motion of Mr. Twyman,

Senate Bill No. 195—"A Bill to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled 'An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia,' entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature, incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia.'"

With Senate amendment, to take effect from its passage, was taken up for immediate consideration.

Mr. Twyman then moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Calhoun, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of

Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Harvey, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Neale (of Cabeh), Neal (of Webster), Nutter, Otto, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Sturm, Swisher. Taylor, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—63.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Byrnes, Capehart, Clements, Coberly, Cox, Cuppett, Hall, Hamilton, Hays, Hendricks, Hersman, Hilleary, Mahan, Miller, McPherson, McVey, O'Connor, Parsons. Perin, Rouss, Scott, Shomo, Stover, Summers, Thurmond, Vanmeter and Williams (of Ohio)—30.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 195) takes effect from its passage.

Ordered, That Mr. Twyman communicate to the Senate the concurrence of the House of Delegates in the passage of the bill, to take effect from its passage.

The Speaker resumed the Chair.

House Bill No. 268—"A Bill to amend chapter one hundred and fifty of Hogg's code of one thousand nine hundred and thirteen by adding thereto section five thousand three hundred and seventy-two."

On third reading, coming up in regular order for consideration, was
On motion of Mr. Vaughn, laid on the table.

Senate Bill No. 99—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine and sixty-four, as amended by chapter thirty-nine, acts of one thousand nine hundred and seventeen, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty, and adding sections forty and one hundred and twenty-a, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cosner, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, Otto, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Spangler, Sturm, Taylor, Thomas, Vaughn, Weiss, Wysong and Wolfe (Speaker)—59.

The noes were:

Messrs. Clements, Ferguson, Harvey, Mollohan, Neale (of Webster), Peck and Swisher—7.

Absent and not voting:

Messrs. Blizzard, Capehart, Coberly, Coon, Cox, Cuppett, Grove, Hays, Hendricks, Hersman, Hilleary, Miller, McPherson, O'Connor, Parsons, Sarver, Scott, Shomo, Starcher, Stover, Summers, Thurmond, Twyman, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—27.

Ordered, That Mr. Fitch communicate to the Senate the passage of the bill (S. B. No. 99) as amended, and ask concurrence therein.

Senate Bill No. 167—"A Bill to amend and re-enact section forty-nine of chapter fifty-three of the code."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coon, Cosner, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hendricks, Hickman, Hobbs, Houvouras, John, Jones, Kern, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Otto, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Spangler, Stover, Sturm, Swisher, Taylor, Thomas, Vaughn, Weiss, Wysong and Wolfe (Speaker)—56.

The noes were:

Messrs. Kuykendall, Lantz, Mollohan, McCauley, Neal (of Webster) and Peck—6.

Absent and not voting:

Messrs. Bannister, Bland, Blizzard, Capehart, Coberly, Coleman, Cox, Cuppett, Fitch, Grove, Hall, Harvey, Hays, Hersman, Hilleary, Howard, Lester, Neal (of Cabell), Nutter, O'Connor, Pedigo, Scott, Shaw, Shomo, Starcher, Summers, Thurmond, Twyman, Vanmeter and William (of Ohio)—31.

Ordered, That Mr. Richards communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 167).

The hour having arrived to which

Senate Bill No. 30—"A Bill relating to the salaries of county officers."

On third reading, was made a special order,

Mr. McClintic moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days, be dispensed with.

On that question,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brammer, Bray, Calhoun, Capehart, Clements, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hamilton, Harvey, Hendricks, Hobbs, Houvouras, John, Kern, Kuykendall, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Perin, Pettigrew, Pridemore, Rankin, Rouss, Spangler, Stover, Summers, Thomas, Twyman, Vaughn, Weiss, Wy-song and Wolfe (Speaker)—55.

The noes were:

Messrs. Bland, Brand, Byrnes, Coon, Cosner, Hickman, Jones, Lantz, Miller, McDermitt, McPherson, Neal (of Webster), Peck, Richards, Sarver, Starcher, Swisher, Taylor, Thurmond and Williams (of Pleasants)—20.

Absent and not voting:

Messrs. Blizzard, Coberly, Cox, Cuppett, Godfrey, Grove, Hays, Hersman, Hilleary, Howard, Parsons, Pedigo, Scott, Shaw, Shomo, Sturm, Vanmeter and Williams (of Ohio)—18.

So, four-fifths of all the members present not having voted in the affirmative, the motion did not prevail.

The hour having arrived to which the announcement of the vote on the passage of

House Bill No. 115—"A Bill to amend and re-enact chapter ninety-three of the acts of one thousand nine hundred and fifteen, and section twenty-two of chapter one hundred and thirty-seven of the Barnes' code, one thousand nine hundred and sixteen, and all other acts and parts of acts in conflict herewith relating to jailers' fees in civil and criminal cases and to add thereto sections twenty-two-a, twenty-two-b and twenty-two-c, providing for expenses and allowances of sheriffs and time of settlement and salary."

Was made a special order.

Thereupon,

The Clerk announced the vote, as follows:

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brammer, Coleman, Coon, Cunningham, Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Kern, Kuykendall, Mahan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Taylor, Thomas, Vaughn, Weiss and Wysong—52.

The noes were:

Messrs. Bland, Brand, Bray, Byrnes, Calhoun, Capehart, Clements, Ferguson, Fitch, Harvey, Hersman, John, Jones, Lantz, Lester, Miller, Mollohan, McCauley, McDermitt, McPherson, Neal (of Webster), Parsons, Rankin, Rouss, Swisher, Thurmond, Twyman, Williams (of Pleasants) and Wolfe (Speaker)—29.

Absent and not voting:

Messrs. Blizzard, Coberly, Cosner, Cox, Cuppett, Fortney (of Harrison), Grove, Sarver, Scott, Shomo, Vanmeter and Williams (of Ohio)—12.

Ordered, That Mr. Moore communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 115), as amended.

A message from the Senate by Mr. Arnold, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 7.

"Relating to the primary law."

Resolved, by the Senate of West Virginia, the House of Delegates concurring, That Hon. Jno. J. Cornwell, Governor of West Virginia, be and he is hereby requested to include the question of the amendment of the primary law in his call for the extra session of the legislature shortly to be issued by him; and

Resolved, further, That the President of the Senate and the Speaker of the House of Delegates be and each of them is hereby authorized, empowered and directed to appoint a committee of three members from each of the Houses; and

Resolved, further, That such committee shall meet as soon as possible and act as a joint committee for the purpose of investigating and reporting upon the subject of a primary law and such committees shall report by bill or otherwise to the legislature when it meets in extra session.

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

And asked the concurrence of the House therein.

On motion of Mr. McClintic, the resolution (S. C. R. No. 7) was taken up for immediate consideration, reported by the Clerk, and adopted.

Ordered, That Mr. Hackney communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. C. R. No. 7).

Senate Bill No. 56—"A Bill to amend and re-enact chapter forty-six-a of Barnes' code of West Virginia, of one thousand nine hundred and sixteen, relating to the care and disposition of delinquent children."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Calhoun, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hendricks, Hickman, Hobbs, Howard, John, Jones, Kern, Lantz, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McClintic, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin.

Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Capehart, Coberly, Cosner, Cox, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, Hilleary, Houvouras, Kuykendall, Lester, Moore, McCauley, McClaren, McVey, Neal (of Webster), Richards, Scott, Shomo, Swisher, Vanmeter and Williams (of Ohio)—28.

Ordered, That Mr. Pettigrew communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 56).

Senate Bill No. 24—"A Bill to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to care and preservation of state and county archives."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Byrnes, Calhoun, Clements, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClarer, McClintic, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—67.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Bray, Capehart, Coberly, Cosner, Cox, Cuppett, Ferguson, Grove, Hall, Harvey, Hays, Hersman, Hilleary, Lantz, Lester, McVey, O'Connor, Pettigrew, Sarver, Scott, Shomo, Summers, Vanmeter and Williams (of Ohio)—26.

Ordered, That Mr. Shaw communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 24).

Unanimous consent being given,

On motion of Mr. McClintic,

SENATE CONCURRENT RESOLUTION NO. 3.

"Providing for the preservation of a list of names of West Virginia soldiers and sailors who served during the late war with Germany."

WHEREAS, in the successful prosecution of the recent war against Germany, for the maintenance of civilization, more than sixty thousand brave and courageous men of West Virginia—the flower of our manhood—entered the military service of the nation, prepared to give their lives, if necessary, on land and sea that freedom might live and the national honor of our government upheld; and

WHEREAS, it is the duty of the state of West Virginia to forever preserve the names of those loyal and patriotic sons who were in the service, and those who made the supreme sacrifice in the camps and cantonments, on the sea and on the soils of our allies; and

WHEREAS, it has been shown by past experience that unless these records are compiled without delay they are never made available, as has been demonstrated in previous wars in which our state and nation have engaged; therefore, be it

Resolved by the Senate of West Virginia, the House of Delegates concurring therein:

First. That a complete compilation of the records, by counties, be made showing the names and addresses of all West Virginia soldiers and sailors who participated in the war with Germany, or who were in the military service during that period.

Second. That a complete compilation be made of the names of all West Virginia soldiers and sailors who died or were killed or injured in the war; and, be it further

Resolved, That the compilation thus prepared be published in an edition of the "West Virginia Legislative Hand Book and Manual and Official Register," and that the expenses of such compilation be paid from an appropriation to be hereafter made.

Was taken up for immediate consideration, reported by the Clerk, and adopted.

Ordered, That Mr. Hackney communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution. (S. C. R. No. 3).

A message from the Senate by Mr. Luther, announced the concurrence of that body in the passage of

House Bill No. 172—"A Bill to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto and defining the powers of said city and the officers thereof and fixing the corporate limits of said city."

SENATE JOINT RESOLUTION No. 23.

"Approving and endorsing the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers."

WHEREAS, The President of the United States by his proclamation of November 29, 1918, has called upon the people of the United States to make generous contributions to sustain the peoples of the near east who through no fault of their own have been left in a starving, shelterless condition, without the benefit of the usual war agencies; and

WHEREAS, The American committee for relief of Armenians, Syrians, Greeks and other such sufferers in the near east, has appealed for \$30,000,000 for such purpose, of which sum West Virginia is asked to raise \$218,000; and,

WHEREAS, Many states have already raised their respective apportionments, but owing to the influenza epidemic the campaign for such fund in this state has been postponed until March twenty-third to thirtieth next; and,

WHEREAS, The said campaign is duly authorized and, because of the fact that thousands are literally starving, is eminently worthy and imperative; therefore, be it

Resolved, by the Legislature of West Virginia, That the campaign for funds for the relief of Armenian, Syrian, Greek and other war sufferers in the near east hereby is approved and endorsed as worthy the support of all patriots and humanitarian citizens.

Coming up in regular order for consideration, was reported by the Clerk, and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Byrnes, Calhoun, Clements, Coon, Cosner, Cunningham, Ferguson, Fortney (of Preston), Hackney, Hale, Hamilton, Harvey, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Lester, Mahan,

Miller, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—63.

The noes were:

Mr. Brand—1.

Absent and not voting:

Messrs. Blizzard, Bray, Capehart, Coberly, Coleman, Cox, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Grove, Hall, Hays, Hersman, Hilleary, Kuykendall, Lantz, Mollohan, Moore, McPherson, Nutter, Pettigrew, Rouss, Scott, Shomo, Stover, Swisher, Vanmeter and Williams (of Ohio)—29.

Ordered, That Mr. Anderson communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. J. R. No. 23).

Mr. Richards in the Chair.

Senate Bill No. 150—"A Bill to amend and re-enact chapter fifty-four-c of the code of West Virginia, one thousand nine hundred and sixteen, relating to the incorporation and regulation of trust, fidelity, surety, guarantee, bonding, insurance and title companies."

On second reading, coming up in regular order for consideration.

On motion of Mr. McClintic,

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Coon, Cunningham, Ferguson, Fortney (of Harrison), Fortney (of Preston), Hale, Harvey, Hendricks, Hobbs, Howard, John, Jones, Kern, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Taylor, Thurmond, Twyman, Weiss and Wysong—56.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Capehart, Clements, Coberly, Cosner, Cox, Cuppett, Fitch, Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hersman, Hickman, Hilleary, Houvouras, Kuykendall, Lantz, Moore, McClaren, Neal (of Webster), Nutter, O'Connor, Scott, Shomo, Stover, Swisher, Thomas, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—37.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hale, Harvey, Hobbs, Houvouras, Jones, Kern, Lester, Mahan, Miller, Moran, Morris, Musser, McCauley, McClintic, McPherson, McVey, Neale (of Cabell), O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Thomas, Twyman, Weiss and Wysong—51.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Capehart, Clements, Coberly, Coon, Cosner, Cox, Cuppett, Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hendricks, Hersman, Hickman, Hilleary, Howard, John, Kuykendall, Lantz, Mollohan, Moore, Moulds, McClaren, McDermitt, Neal (of Webster), Nutter, Pettigrew, Scott, Shomo, Swisher, Taylor, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—42.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 150).

The following communication was received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal:

CHARLESTON, W. VA., FEBRUARY 21, 1919.

MR. C. L. TOPPING,

Clerk of the House of Delegates.

DEAR SIR:

I have this day approved House Bill No. 169, relating to independent school district of Wheeling, and House Bill No. 46, making certain changes in state road law.

Very truly yours,

JNO. J. CORNWELL, *Governor.*

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 76)—An Act to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto sections thirty-one and thirty-two, relating to weights and measures.

Also,

(S. B. No. 134)—An Act to amend and re-enact sub-section two of section one; sub-section five of section one, section two, section six; all of chapter one hundred and fifty of Barnes' code of one thousand and section six-a, all relating to the public health.

all relating to the public health.

Also,

(S. B. No. 149)—An Act authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public money; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto.

And,

(S. B. No. 151)—An Act to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the

operation of hoisting machinery, medical supplies, *et cetera*, in coal mines.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 76)—An Act to amend and re-enact sections three, seven, thirteen, fourteen, sixteen, twenty-three, twenty-four, twenty-five, twenty-seven and thirty of chapter sixteen of the acts of one thousand nine hundred and fifteen, regular session, and to add thereto sections thirty-one and thirty-two, relating to weights and measures.

Also,

(S. B. No. 134)—An Act to amend and re-enact sub-section two of section one; sub-section five of section one, section two, section six; all of chapter one hundred and fifty of Barnes' code of one thousand nine hundred and sixteen, and to add to said chapter section three-a and section six-a, all relating to the public health.

Also,

(S. B. No. 149)—An Act authorizing the county courts, or tribunals created in lieu thereof, to provide depositories for public money; requiring the treasurers of county, district and other funds, and collectors of state, county and district funds to deposit the same therein, and making general provision in respect thereto.

And,

(S. B. No. 151)—An Act to amend and re-enact section seventeen of chapter fifteen-h of the code of West Virginia, relating to the

operation of hoisting machinery, medical supplies, *et cetera*, in coal mines.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 169)—An Act to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of chapter fifteen-*i*, relative to the prevention of cruelty to animals, to become sections fourteen-*a*, fourteen-*b*, fourteen-*c*, fourteen-*d*, fourteen-*e*, fourteen-*f* and fourteen-*g* of chapter one hundred and forty-nine, of Barnes' code of one thousand nine hundred and eighteen.

Also,

(S. B. No. 176)—An Act relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races.

Also,

(H. B. No. 196)—An Act to fix the salary of the prosecuting attorney of Barbour county.

Also,

(H. B. No. 221)—An Act to amend and re-enact section twenty-six of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county.

And,

(H. B. No. 288)—An Act to amend and re-enact section six of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 169)—An Act to amend and re-enact sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of chapter fifteen-i, relative to the prevention of cruelty to animals, to become sections fourteen-a, fourteen-b, fourteen-c, fourteen-d, fourteen-e, fourteen-f and fourteen-g of chapter one hundred and forty-nine, of Barnes' code of one thousand nine hundred and eighteen.

Also,

(S. B. No. 176)—An Act relating to showing or exhibiting any picture or theatrical act in any theater or other place of public amusement, tending to arouse feeling between the races.

Also,

(H. B. No. 196)—An Act to fix the salary of the prosecuting attorney of Barbour county.

Also,

(H. B. No. 221)—An Act to amend and re-enact section twenty-six of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, relating to a special levy for permanent road improvement for Calhoun county.

And,

(H. B. No. 288)—An Act to amend and re-enact section six of chapter fifty-two of Barnes' code of one thousand nine hundred and eighteen.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 302)—An Act to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act.

And,

(H. B. No. 272)—An Act to amend and re-enact sections three, four-a, thirty, forty-one, forty-seven and forty-eight of chapter eighteen of the acts of the legislature of one thousand nine hundred and fifteen, relating to the charter of the city of Cameron, Marshall county, West Virginia.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 302)—An Act to fix the salary of the prosecuting attorney of Wyoming county, and fixing the time and manner of the payment of the same; and also providing for the appointment of an assistant prosecuting attorney of said county and fixing the salary of such assistant; and repealing all acts and parts of acts inconsistent with this act.

And,

(H. B. No. 272)—An Act to amend and re-enact sections three, four-a, thirty, forty-one, forty-seven and forty-eight of chapter eighteen of the acts of the legislature of one thousand nine hundred and fifteen,

relating to the charter of the city of Cameron, Marshall county, West Virginia.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 198)—An Act to create the independent school district of Church, in the county of Wetzel.

Section 1. Church independent school district, Wetzel county: boundaries.

Sec. 2. Board of education; qualification.

Sec. 3. President and commissioners now in to serve.

Sec. 4. Elect president and commissioners, when.

Sec. 5. Oath, form, secretary to administer.

Sec. 6. Salary.

Sec. 7. Vacancies.

Sec. 8. Shall be a body corporate, *et cetera*.

Sec. 9. Elect secretary; term; bond.

Sec. 10. Time to hold meetings.

Sec. 11. Duty of president.

Sec. 12. Duty of secretary.

Sec. 13. Admission of various schools.

Sec. 14. Enumeration; boards shall examine, *et cetera*.

Sec. 15. State superintendent shall report to auditor, *et cetera*.

Sec. 16. Boards shall provide houses, furniture, fixtures, *et cetera*.

Contracts.

Sec. 17. Levy.

Sec. 18. Upon failure of board to lay levy, *et cetera*, how taxes collected; deposit.

Sec. 19. Board shall prescribe rules.

Sec. 20. Power to abandon schools.

Sec. 21. How money disbursed.

- Sec. 22. District supervisor to be appointed, duty of supervisor
- Sec. 23. Examining committee, how appointed; issue certificates; fee.
- Sec. 24. Teachers subject to board; salaries.
- Sec. 25. Duty of persons having control of child or children; penalty for failure; bonds; incorrigible children.
- Sec. 26. Truant officers; compensation; duty.
- Sec. 27. Penalty for inducing child to absent himself from school; truant officer; penalty for failure; prosecution; court; jurisdiction.
- Sec. 28. How general school law shall apply.
- Sec. 29. Inconsistent laws repealed.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 198)—An Act to create the independent school district of Church, in the county of Wetzel.

Section 1. Church independent school district, Wetzel county; boundaries.

- Sec. 2. Board of education; qualification.
- Sec. 3. President and commissioners now in to serve.
- Sec. 4. Elect president and commissioners, when.
- Sec. 5. Oath, form, secretary to administer.
- Sec. 6. Salary.
- Sec. 7. Vacancies.
- Sec. 8. Shall be a body corporate, *et cetera*.
- Sec. 9. Elect secretary; term; bond.
- Sec. 10. Time to hold meetings.
- Sec. 11. Duty of president.
- Sec. 12. Duty of secretary.

- Sec. 13. Admission of various schools.
- Sec. 14. Enumeration; boards shall examine, *et cetera*.
- Sec. 15. State superintendent shall report to auditor, *et cetera*.
- Sec. 16. Boards shall provide houses, furniture, fixtures, *et cetera*
Contracts.
- Sec. 17. Levy.
- Sec. 18. Upon failure of board to lay levy, *et cetera*, how taxes
collected; deposit.
- Sec. 19. Board shall prescribe rules.
- Sec. 20. Power to abandon schools.
- Sec. 21. How money disbursed.
- Sec. 22. District supervisor to be appointed, duty of supervisor.
- Sec. 23. Examining committee, how appointed; issue certificates;
fee.
- Sec. 24. Teachers subject to board; salaries.
- Sec. 25. Duty of persons having control of child or children; pen-
alty for failure; bonds; incorrigible children.
- Sec. 26. Truant officers; compensation; duty.
- Sec. 27. Penalty for inducing child to absent himself from school;
truant officer; penalty for failure; prosecution; court, jurisdiction.
- Sec. 28. How general school law shall apply.
- Sec. 29. Inconsistent laws repealed.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (other-
wise known as the Joint Committee on Enrolled Bills,) submitted
the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the
Joint Committee on Enrolled Bills,) have examined and found truly
enrolled:

(H. B. No. 203)—An Act empowering, authorizing and requiring
the county court of Marion county to accept a grant or devise of
suitable land and buildings situate within the corporate limits of the
city of Fairmont, for a home for poor, indigent and dependent white
children of said county; to properly equip, maintain and conduct the
same as such home, determine as to the children to be admitted thereto,

there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof; accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividends and income from cash, stocks, bonds and other personal estate and property, for aiding in the maintenance and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 263)—An Act empowering, authorizing and requiring the county court of Marion county to accept a grant or devise of suitable land and buildings situate within the corporate limits of the city of Fairmont, for a home for poor, indigent and dependent white children of said county; to properly equip, maintain and conduct the same as such home, determine as to the children to be admitted thereto, there maintain such children, adopt and enforce rules and regulations necessary for the conduct of such home, select, employ and pay all competent persons necessary for the conduct thereof; accept endowments, transfers, donations and gifts of real estate, rents and income from real estate, cash, stocks, bonds and other personal estate and property, interest, dividends and income from cash, stocks, bonds and other personal estate and property, for aiding in the maintenance

and conduct of such home, and to provide by levy any funds required therefor in excess of those secured through endowments, transfers, donations and gifts, and expend such, as well as that received from such endowments, transfers, donations and gifts, so far as required, in the maintenance, conduct and continuation of such home, including the payment of salaries and wages of the persons employed therefor.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 9)—An Act to amend chapter fifty-five-a of the code of West Virginia, relating to fraternal beneficiary societies by adding sections thirty-three, thirty-four, thirty-five and thirty-six thereto.

Also,

(H. B. No. 85)—An Act to authorize the county court of any county to acquire by purchase or otherwise a suitable site and to erect, equip and maintain thereon, a building or buildings, or other structure or structures, in memory and in recognition of the services in the world war of the soldiers and sailors from the county in which such memorial may be located, and to lay levies therefor.

Also,

(H. B. No. 276)—An Act creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine.

And,

(H. B. No. 280)—An Act to amend and re-enact section three of chapter nineteen of municipal charters of the acts of the legislature

of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 9)—An Act to amend chapter fifty-five-*a* of the code of West Virginia, relating to fraternal beneficiary societies by adding sections thirty-three, thirty-four, thirty-five and thirty-six thereto.

Also,

(H. B. No. 85)—An Act to authorize the county court of any county to acquire by purchase or otherwise a suitable site and to erect, equip and maintain thereon, a building or buildings, or other structure or structures, in memory and in recognition of the services in the world war of the soldiers and sailors from the county in which such memorial may be located, and to lay levies therefor.

Also,

(H. B. No. 276)—An Act creating the municipal corporation of the city of Ronceverte, in the county of Greenbrier, amending and re-enacting the charter granted to said city of Ronceverte by act of the legislature of West Virginia, chapter nine of the acts of one thousand nine hundred and nine, passed on the twenty-fourth day of February, one thousand nine hundred and nine.

And,

(H. B. No. 280)—An Act to amend and re-enact section three of chapter nineteen of municipal charters of the acts of the legislature

of West Virginia of one thousand nine hundred and fifteen, granting a charter to the city of Point Pleasant in the county of Mason.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 129)—An Act to amend and re-enact sections three and four, of chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of in toxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-*a* of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto three sections, to be numbered sections thirty-one-*a*, thirty-one-*b*, and thirty-seven, as parts thereof, and said sections to be numbered thirty-one-*a*, thirty-one-*b*, and thirty-seven, inclusive, as parts of said chapter thirty-two-*a*, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and the ownership and operation of "moonshine stills."

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the

Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 129)—An Act to amend and re-enact sections three and four, of chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and sections fourteen and thirty-one as amended by chapter fifty-eight, acts of the legislature of one thousand nine hundred and seventeen, all relating to prohibition of the manufacture, sale, storage, furnishing and carriage of intoxicating liquors, and the confiscation of property used for the unlawful transportation of such liquors, and to further amend said chapter thirty-two-a of Barnes' code of West Virginia, one thousand nine hundred and sixteen, by enacting as additional thereto three sections, to be numbered sections thirty-one-a, thirty-one-b, and thirty-seven, as parts thereof, and said sections to be numbered thirty-one-a, thirty-one-b, and thirty-seven, inclusive, as parts of said chapter thirty-two-a, Barnes' code of West Virginia, one thousand nine hundred and sixteen, relating to the sale and transportation of intoxicating liquors into the state, and the ownership and operation of "moonshine stills."

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 147)—An Act to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 147)—An Act to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 197)—An Act to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code of one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the

following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 197)—An Act to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code of one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 195)—An Act to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled "An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia, entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S B. No. 147)—An Act to provide for the extension of the school term in the elementary grades of graded schools conducted in connection with normal training high schools.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 197)—An Act to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code of one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the

following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 197)—An Act to amend and re-enact section seven of chapter seven of the code of West Virginia (Barnes' code of one thousand nine hundred and sixteen), relating to the removal of county and district officers and the filling of vacancies created thereby

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Mr. Peck, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 195)—An Act to amend and re-enact sub-section (e) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia, entitled "An act to amend and re-enact section nineteen of chapter eighty-three of the acts of one thousand nine hundred and eleven of the legislature of West Virginia, entitled 'An act to amend and re-enact chapter sixty-six of the acts of one thousand nine hundred and three, and chapter four of the acts of one thousand nine hundred and seven, extraordinary session of the legislature incorporating the city of Parkersburg in the county of Wood as amended by chapter one hundred and nineteen of the acts of the legislature of one thousand nine hundred and seventeen and repealing all acts and parts of acts inconsistent or in conflict therewith, and to amend and re-enact sub-section (f) of section nineteen of chapter eighty-eight of the acts of one thousand nine hundred and thirteen of the legislature of West Virginia.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

CHAS. G. PECK,

Acting Chairman House Committee.

Richards, Rouss, Shaw, Spangler, Starcher, Sturm, Summers, Taylor, Twyman, Weiss and Wysong—57.

The noes were:

Messrs. Anderson and Pedigo—2.

Absent and not voting:

Messrs. Bland, Blizzard, Bray, Capehart, Clements, Coon, Cox, Cuppett, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, Hilleary, Miller, Moore, McDermitt, McPherson, McVey, Neal (of Webster), Otto, Sarver, Scott, Shomo, Stover, Swisher, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—34.

Ordered That Mr. Ferguson communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 233).

The Speaker resumed the Chair.

Senate Bill No. 62—"A Bill to amend chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, by adding thereto section twenty-eight-a by which to enable building and loan associations to create a limited sinking fund to stabilize the maturity of stock series; and to require building and loan associations, whether incorporated or not incorporated, and all persons, firms, partnerships, associations, trustees, or combination of persons doing a building and loan business, or business of like kind or character to obtain a permit from the commissioner of banking and providing penalties."

On second reading, coming up in regular order for consideration.

On motion of Mr. Jones,

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The yeas were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Coon, Cosner, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Shaw,

Spangler, Starcher, Sturm, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—62.

The noes were:

None

Messrs. Bland, Blizzard, Capehart, Clements, Coberly, Cox, Cuppett, Ferguson, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, Moore, Moran, McVey, O'Connor, Parsons, Richards, Sarver, Scott, Shomo, Stover, Summers, Swisher, Taylor, Thurmond, Vanmeter, Williams (of Ohio) and Wysong—31.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Shaw, Spangler, Starcher, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—59.

The noes were:

None

Absent and not voting:

Messrs. Bland, Blizzard, Capehart, Clements, Coberly, Coon, Cox, Cuppett, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, John, Lester, Mollohan, Moore, Morris, Neal (of Webster), O'Connor, Parsons, Pedigo, Richards, Sarver, Scott, Shomo, Stover, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—34.

Ordered. That Mr. Jones communicate to the Senate the concur-

Richards, Rouss, Shaw, Spangler, Starcher, Sturm, Summers, Taylor, Twyman, Weiss and Wysong—57.

The noes were:

Messrs. Anderson and Pedigo—2.

Absent and not voting:

Messrs. Bland, Blizzard, Bray, Capehart, Clements, Coon, Cox, Cuppett, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, Hilleary, Miller, Moore, McDermitt, McPherson, McVey, Neal (of Webster), Otto, Sarver, Scott, Shomo, Stover, Swisher, Thomas, Thurmond, Vaughn, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—34.

Ordered That Mr. Ferguson communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 233).

The Speaker resumed the Chair.

Senate Bill No. 62—"A Bill to amend chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, by adding thereto section twenty-eight-a by which to enable building and loan associations to create a limited sinking fund to stabilize the maturity of stock series; and to require building and loan associations, whether incorporated or not incorporated, and all persons, firms, partnerships, associations, trustees, or combination of persons doing a building and loan business, or business of like kind or character to obtain a permit from the commissioner of banking and providing penalties."

On second reading, coming up in regular order for consideration.

On motion of Mr. Jones,

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Coon, Cosner, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Shaw,

Spangler, Starcher, Sturm, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—62.

The noes were:

None

Messrs. Bland, Blizzard, Capehart, Clements, Coberly, Cox, Cuppett, Ferguson, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, Moore, Moran, McVey, O'Connor, Parsons, Richards, Sarver, Scott, Shomo, Stover, Summers, Swisher, Taylor, Thurmond, Vanmeter, Williams (of Ohio) and Wysong—31.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Coleman, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Shaw, Spangler, Starcher, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—59.

The noes were:

None

Absent and not voting:

Messrs. Bland, Blizzard, Capehart, Clements, Coberly, Coon, Cox, Cuppett, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, John, Lester, Mollohan, Moore, Morris, Neal (of Webster), O'Connor, Parsons, Pedigo, Richards, Sarver, Scott, Shomo, Stover, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—34.

Ordered. That Mr. Jones communicate to the Senate the concur-

rence of the House of Delegates in the passage of the bill (S. B. No. 62)

Senate Bill No. 164—"A Bill to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one and twenty-three of chapter five, of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Coberly, Coleman, Coon, Cosner, Cox, Fortney (of Preston), Godfrey, Hackney, Hale, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Mahan, Miller, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, Otto, Parsons, Perin, Pettigrew, Pridemore, Rankin, Rouss, Shaw, Spangler, Starcher, Sturm, Swisher, Twyman, Vaughn, Weiss, Wy-song and Wolfe (Speaker)—53.

The noes were:

Messrs. Calhoun, Cunningham, Ferguson, Hall, Harvey, Lantz, Lester, McCauley, Neal (of Webster), Peck, Taylor and Williams (of Pleasants)—12.

Absent and not voting:

Messrs. Anderson, Clements, Cuppett, Fitch, Fortney (of Harrison), Grove, Hamilton, Hays, Hendricks, Hersman, Houvouras, John, Kuykendall, Mollohan, Moore, McClintic, O'Connor, Pedigo, Richards, Sarver, Scott, Shomo, Stover, Summers, Thomas, Thurmond, Vanmeter and Williams (of Ohio)—28.

Ordered, That Mr. Fortney (of Preston) communicate to the Senate the passage of the bill (S. B. No. 164) as amended, and ask concurrence therein.

Senate Bill No. 165—"A Bill to amend and re-enact chapter thirteen, second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state or to the United States to be absent from their voting precincts on the day of election, to vote by registered mail"

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Preston), Hale, Harvey, Hendricks, Hickman, Howard, Kern, Lantz, Mahan, Miller, Morris, Moulds, Musser, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Peck, Perin, Pridemore, Rankin, Rouss, Shaw, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Wysong and Wolfe (Speaker)—49.

The noes were:

Neal (of Webster)—1.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Bray, Capehart, Cox, Cuppett, Fortney (of Harrison), Godfrey, Grove, Hackney, Hall, Hamilton, Hays, Hersman, Hilleary, Houvouras, John, Jones, Kuykendall, Lester, Mollohan, Moore, Moran, McCauley, McClaren, Nutter, O'Connor, Otto, Parsons, Pedigo, Pettigrew, Richards, Sarver, Scott, Skomo, Summers, Thomas, Thurmond, Vanmeter, Weiss, Williams (of Ohio) and Williams (of Pleasants)—43.

Ordered, That Mr. Fortney (of Preston) communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 165).

A message from the Senate by Mr. Johnson, announced the concurrence of that body in the amendments of the House of Delegates to

Senate Bill No. 214—"A Bill to amend and re-enact section one, chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one, one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-e-two, of chapter one hundred and twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one and one hundred and two of the acts of West Virginia, regular session of the legislature one thousand nine hundred and seventeen; to re-arrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit courts in the several counties therein."

A message from the Senate, by Mr. Arnold, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 8—"Relating to the Virginia debt."

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein, that

WHEREAS, Hon. John J. Cornwell, Governor of West Virginia, has, by letter to the legislature under date of February twenty, one thousand nine hundred and nineteen, requested the legislature to create a special committee to formulate tentative bills for submission to the legislature when it reconvenes.

Resolved, That the President of the Senate and the Speaker of the House be and each of them is hereby authorized, empowered and directed to appoint a committee of six members from each House and

Resolved, further, That such committee shall meet as soon as possible and act as a joint committee for the purpose of formulating tentative bills for submission to the legislature, and shall report by bill or otherwise to the legislature when it meets in extraordinary session.

Resolved, further, That the members of such committees shall be entitled to receive the same pay as members of the legislature actually employed in such work and also receive such mileage as members of the legislature receive.

And asked the concurrence of the House therein.

On motion of Mr. McClintic, the resolution (S. C. R. No. 8) was taken up for immediate consideration, reported by the Clerk, and adopted

Ordered That Mr Hall communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. C. R. No. 8).

Senate Bill No. 192—"A Bill to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers and submitting the question to a vote of the people."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blacklurst, Brand, Brammer, Byrnes, Coberly, Coon, Cunningham, Fitch, Fortney (of Harrison), Hackney, Hale, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Otto, Peck, Pettigrew, Rankin, Rouse, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thomas, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)--52.

The noes were:

None

Absent and not voting:

Messrs. Anderson, Bannister, Bland, Blizzard, Bray, Calhoun, Capehart, Coberly, Coleman, Cosner, Cox, Cuppett, Ferguson, Fortney (of Preston), Goffrey, Grove, Hall, Hamilton, Hays, Hersman, Houvouras, John, Mahan, Miller, McVey, Nutter, O'Connor, Parsons, Pedigo, Perin, Pridmore, Richards, Sarver, Scott, Shaw, Shomo, Summers, Thurmond, Vaughn, Vanmeter and Williams (of Ohio)—41

Mr. Hobbs moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cox, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hamilton, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Otto, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—63.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Capehart, Cosner, Cuppett, Ferguson,

Godfrey, Grove, Hall, Hays, Hersman, Houvouras, John, Mahan, Moran, McCauley, McPherson, Nutter, O'Connor, Parsons, Pedigo, Pridemore, Sarver, Scott, Shaw, Shomo Summers, Thurmond, Vanmeter and Williams (of Ohio)—30.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 192) takes effect from its passage.

Ordered, That Mr. Hobbs communicate to the Senate the concurrence of the House of Delegates in the passage of the bill.

Unanimous consent being given,

On motion of Mr. Sarver,

Senate Bill No. 240—"A Bill to amend and re-enact section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district."

On second reading, was taken up out of its regular order for immediate consideration.

On the further motion of the same gentleman,

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The yeas were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Cunningham Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hall, Hendricks, Hickman, Hilleary, Houvouras, Howard Jones, Kern, Kuykendall, Lantz, Miller, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Peck, Perin, Pettigrew, Rankin, Richards, Rouse, Sarver, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Tivlor, Twyman, Weiss, Williams (of Pleasants), Wyson and Wolfe (Speaker)—58.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bland, Bilzard, Capehart, Coberly, Coon, Cosner, Cox, Cuppett, Ferguson, Godfrey, Grove, Hamilton, Harvey, Hays, Hersman, Hobbs, John, Lester, Mahan, Mollohan, Moran, McPherson, O'Connor, Parsons, Pedigo, Pridemore, Scott, Shaw, Shomo Thomas, Thurmond, Vaughn, Vanmeter and Williams (of Ohio)—35.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Cunningham Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Hendricks, Hersman, Houvouras, Howard John, Kern, Kuykendall, Lester, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wyson and Wolfe (Speaker)—55.

The noes were:

Mr. Hall—1.

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Capehart, Coberly, Coon, Cosner, Cox, Cuppett, Ferguson, Godfrey, Grove, Hamilton, Harvey Hays, Hickman, Hilteary, Hobbs, Jones, Lantz, Mahan, McCauley, McClaren, McPherson, Nutter, O'Connor, Parsons, Pedigo, Sarver, Scott Shaw, Slomo, Summers, Thomas, Thurmond, Vanmeter and Williams (of Ohio)—37.

Ordered That Mr. Sarver communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 249).

A message from the Senate, by Mr. Scherr, announced the concurrence of that body in the passage of

House Bill No. 283—"A Bill to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county."

A message from the Senate, by Mr. Lewis, announced that the

Senate had concurred in the passage of, but had refused to concur in the action of the House of Delegates in making

House Bill No. 281—"A Bill amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state."

Take effect from its passage.

Senate Bill No. 224—"A Bill to amend and re-enact sections fourteen twenty-two and twenty-five of the acts of the legislature of West Virginia, session of one thousand nine hundred and nine, relating to the independent school district of Huntington, and the conduct of the schools within said district."

On second reading coming up in regular order for consideration,

On motion of Mr. Neale (of Cabell),

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The yeas were:

Messrs Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moore, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Otto, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—61.

The noes were:

None

Absent and not voting:

Messrs. Anderson, Bland, Blizzard, Capehart, Coberly, Cosner, Cox, Cuppett, Godfrey, Grove, Hall, Hamilton, Hays, Hersman, John Jones, Mahan, Moran, McCauley, Nutter, O'Connor, Parsons, Pedigo, Sarver, Scott, Shomo, Summers, Thomas, Thurmond, Vaughn, Van Meter and Williams (of Ohio)—32

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Hackney, Hale, Hall, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, Neale (of Cabell), Neal (of Webster), Otto, Peck, Perin, Pettigrew, Pride more, Rankin, Richards, Rouss, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—63.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Capehart, Corner, Cox, Cuppett, Fortney (of Preston), Gelfrey, Grove, Hamilton, Hays, Hersman, John Kuykendall, Morris, McPherson, McVey, Nutter, O'Connor, Parsons, Pedigo, Sarver, Scott, Shomo, Summers, Thomas, Thurmond, Vaughn, Vanmeter and Williams (of Ohio)—30.

Ordered, That Mr. Neale (of Cabell) communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 224).

On motion of Mr. Moore,

Senate Bill No. 123—"A Bill to create in the department of state tax commissioner a division to be known as the 'Division of Industrial Induction.'

With Senate amendments, was made a special order for 7:30 o'clock, P. M.

On motion of Mr. Weiss, the House recessed until 7:30 o'clock, P. M.

NIGHT SESSION

The House met at the expiration of the recess.

The hour having arrived to which

House Bill No. 123—"A Bill to amend chapter forty-three, Barnes' code one thousand nine hundred and eighteen, relating to public highways, by enacting as additional thereto, and as a part thereof, a section to be numbered thirty-two-a, authorizing county courts to lay special county bridge levy not to exceed twenty cents for each one hundred dollars of valuation of the taxable property of the county "

Was made a special order.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

Amendment to title:

Strike out all of title and insert in lieu thereof the following:

"A bill to provide for a special bridge levy."

"A bill to amend and re-enact section twenty-two of chapter sixty-six of the acts of the legislature of one thousand nine hundred and seventeen, and to add section twenty-eight-b thereto, all relating to public highway and bridges and authorizing a bridge levy and a change in the method of improving public roads and location of same under certain conditions."

Strike out all following the enacting clause and insert the following:

"That the county court of any county having no debt, bonded or funded, or otherwise, may lay a levy in addition to the maximum levy and other special levies provided for, not exceeding fifteen cents on each hundred dollars of valuation on the taxable property of the county, to be called a special bridge levy for the purpose of building and repairing bridges, on class "a" and class "b" roads and the fund arising from such bridge levy shall be used for that purpose and no other; *provided*, that the court shall not be authorized to lay such levy until the same shall have first been approved in writing by the state tax commissioner and the state road commissioner and made a matter of record by said court. All plans and specifications for such bridges shall be approved by the state road commission as well as the contract awarding the construction thereof."

The bill, (H. B. No 123), as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Hackney, Hale, Hamilton, Harvey, Hendricks, Hickman, Hobbs, Hovouras, Howard, Jones, Kern, Kuykendall, Mahan, Mollohan, Moore, Morris, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neal (of Webster), Nutter, Otto, Perin, Pettigrew, Pride-more, Rankin, Rous., Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Thomas, Twyman, Weiss, Williams (of Pleasants) and Wysong—60

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Blizzard, Coon, Cox, Fortney (of Preston), Godfrey, Grove, Hull, Hays, Hersman, Hilleary, John, Lantz, Lester, Miller, Moran, Moults, McVey, Neale (of Cabell), O'Connor, Parsons, Peck, Pedigo, Richards, Scott, Shomo, Swisher, Taylor, Thurmmond, Vaughn, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—23.

Ordered That Mr. Calhoun communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No 123), as amended.

The following communication was received from His Excellency, the Governor, reported by the Clerk and ordered printed in the Journal:

CHARLESTON, W. VA., FEBRUARY 21, 1919.

MR. C. L. TOPPING,

Clerk of the House of Delegates.

DEAR SIR:

I have this day approved:

House Bill No. 9.

House Bill No. 262.

House Bill No. 85.

House Bill No. 238.

House Bill No. 221.

Yours very truly,

JNO. J. CORNWELL, *Governor.*

House Bill No. 300—"A Bill to create the municipal corporation of the city of Richwood, in the county of Nicholas, to grant a charter thereto and to annul the charter of the town of Richwood."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Brammer, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Grove, Hackney, Hale, Hamilton, Harvey, Hendricks, Hickman, Hobbs, Houvouras, Howard, Jones, Kern, Lantz, Mahan, Miller Mollohan, Moore, Morris, Musser, McCauley, McClaren, McClintic, McDermitt, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Peck, Perin, Pridemore, Rankin, Rouss, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Thomas, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—61.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Blizzard, Bray, Coberly, Cox, Fortney (of Preston), Grove, Hall, Hays, Hersman, Hilleary John, Kuykendall, Lester Moran, Moulds, McPherson, McVey, O'Connor, Pedigo, Pettigrew, Richards, Scott, Shomo, Stover, Swisher, Taylor, Thurmond, Twyman, Vaughn, Vanmeter and Williams (of Ohio)—32.

Ordered, That Mr. Mollohan communicate to the Senate the passage of the bill (H. B. No. 300) and ask concurrence therein.

On motion of Mr. McPherson, the action of the House whereby

Senate Bill No. 30—"A Bill relating to the salaries of county officers"

Was this day advanced from second to third reading, was reconsidered, and

The bill (S. B. No. 30) ordered placed back on second reading.

Thereupon,

On the motion of Mr. McPherson the House reconsidered the vote by which the following amendments were heretofore adopted:

By Mr. Hall:

On page nine, section forty-four, line one hundred and seventy-four, by striking out the word "five" and inserting in lieu thereof the word "eight"

By Mr. Stover:

On page eight, line one hundred and forty-two, by striking out the word "six" and inserting the word "eight."

On page three, line thirty-eight, after the word "thousand" by inserting the words "five hundred."

By Mr. Anderson:

On page eight, line one hundred and fifty-four, by striking out the word "three" and inserting the word "four" and striking out the words "five hundred."

By Mr. Houvouras:

On page three, line fifty-two, after the word "thousand" by inserting the words "five hundred."

By Mr. Mollohan:

On page four, lines seventy-two and seventy-three, by striking out the word "two hundred and fifty" and inserting in lieu thereof the word, "five hundred."

By Mr. Kern:

On page eight, lines one hundred and fifty-one and one hundred and fifty-two, by striking out the words "thirty-five hundred" and inserting the words "four thousand."

By Mr. Weiss:

On page two, line twenty-nine, by striking out the words "forty-five hundred" and inserting the words "six thousand."

By Mr. Summers:

On page eight, line one hundred and forty, by inserting after the word thousand" the words "five hundred."

By Mr. McVay:

On page four, line fifty-five, by striking out the word "three" and inserting in lieu thereof the word "four."

By Mr. Hays:

On page eight, line one hundred and forty-two, by inserting after the word "thousand" the words "five hundred."

By Mr. Weiss:

On page two line twenty-one, strike out the word "three" and insert in lieu thereof the word "four" and strike out the words "five hundred."

On page four, line fifty-eight, by striking out the word "one" and the words "eight hundred" and inserting the words "two" after the word "county."

On page six, line one hundred and two, by striking out the word "two" and inserting in lieu thereof the word "five."

On page eight, line one hundred and forty-five, by striking out the word "two" and inserting in lieu thereof the word "five."

By Mr. Thomas:

On page four, line sixty-nine, by striking out the words "three thousand" and inserting the words "thirty-five hundred."

On page six, line one hundred and twelve, by striking out the words "three thousand" and inserting the words "thirty-five hundred."

On page eight, lines one hundred and fifty-six and one hundred and fifty-seven, by striking out the words "two thousand seven hundred and fifty" and inserting the words "three thousand."

By Mr. Wolfe:

On page eight, line one hundred and forty-seven, insert after the word "thousand" the words "two hundred."

By Mr. Scott:

On page nine, line one hundred and sixty-five, by striking out the words "twenty-four hundred" and inserting the words "three thousand."

On page five, line seventy-seven, by striking out the words "twenty-four hundred" and inserting the words "three thousand."

On page three, lines thirty-four and thirty-five, by striking out the words "three thousand" and inserting the words "thirty-five hundred."

On page seven, line one hundred and twenty-one, by striking out the words "two thousand" and inserting the words "twenty-four hundred."

By Mr. Taylor:

On page nine, line one hundred and sixty-four, by striking out the words "one thousand" and inserting the words "twelve hundred after the year 1921."

On motion of Mr. McPherson, the bill was amended by striking out the enacting clause.

Whereupon,

On motion of Mr. McClintic, the bill (S. B. No. 30) was then ordered to its third reading.

On the further motion of the same gentleman,

The constitutional rule requiring the bill to be fully and distinctly

read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hendricks, Hickman, Hileary, Hobbs, Houvouras, Howard, Jones, Kern, Mahan, Mollohan, Moore, Moran, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Otto, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Thomas, Thurmond, Twyman, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—64.

The noes were:

Messrs. Brand, Lantz, Morris, Neal (of Webster) and Peck—5.

Absent and not voting:

Messrs. Blizzard, Calhoun, Coberly, Coon, Cox, Grove, Hall, Hays, Hersman, John, Kuykendall, Lester, Miller, Moulds, McCauley, Nutter, O'Connor, Pedigo, Scott, Shomo, Taylor, Vaughn, Vanmeter and Williams (of Ohio)—24.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hendricks, Hickman, Hileary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lester, Mahan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Stover, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—68.

The noes were:

Mr. Cuppett—1.

Absent and not voting:

Messrs. Anderson, Blizzard, Calhoun, Coberly, Cox, Grove, Hall, Hays, Hersman, John, Lantz, Miller, Mollohan, McVey, Neal (of Webster), O'Connor, Peck, Pedigo, Scott, Shomo, Sturm, Taylor, Vanmeter and Williams (of Ohio)—24.

Ordered, That Mr. McDermitt communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 30).

A message from the Senate by Mr. Kump, announced the passage by that body of

Senate Bill No. 251—"A Bill to amend and re-enact sections forty-nine and fifty of chapter six of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and fifteen, relating to the charter of the city of Martinsburg."

A message from the Senate by Mr. Chapman, announced that the Senate had refused to concur in the amendments, and requested the House to recede from the amendments to

Senate Bill No. 99—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine and sixty-four, as amended by chapter thirty-nine, acts of one thousand nine hundred and seventeen, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty, and adding sections forty and one hundred and twenty-a, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

On motion of Mr. McClintic, the House refused to recede from amendments, and a conference was requested.

Whereupon,

The Speaker, on behalf of the House, appointed the following Committee of Conference: Messrs. McClintic, Starcher and Bray.

A message from the Senate by Mr. Sanders, announced that the Senate had amended the title, and passed as amended, and asked the concurrence of the House in the amendment to

House Bill No. 226—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, au-

thorizing special allowances by county courts to be paid unto such judges."

Whereupon,

On motion of Mr. Wysong, the amendment to the title, proposed by the Senate, was reported by the Clerk and agreed to.

The amendment is as follows:

"A Bill to fix the salaries of the judges of the circuit courts of the several circuits."

The bill (H. B. No. 226), as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Harvey, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Swisher, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—66.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Coberly, Cox, Fortney (of Harrison), Grove, Hall, Hamilton, Hays, Hersman, John, Lantz, Lester, Miller, McCauley, McClintic, McVey, Neal (of Webster), O'Connor, Pedigo, Scott, Shomo, Stover, Taylor, Thurmond, Vanmeter, Williams (of Ohio) and Wolfe (Speaker)—27.

Ordered, That Mr. Wysong communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 226), as amended.

Mr. McClintic in the Chair.

Unanimous consent being given,

On motion of Mr. Kuykendall, the rules were suspended and

Senate Bill No. 251—"A Bill to amend and re-enact sections forty-nine and fifty of chapter six of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and fifteen, relating to the charter of the city of Martinsburg."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, Mo Vey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsona Peck, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss and Williams (of Pleasants)—66.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Coberly, Coleman, Cox, Fortney (of Harrison), Grove, Hall, Hersman, John, Lester, Miller, Moran, McClintic, McDermitt, McPherson, O'Connor, Pedigo, Pettigrew, Scott, Shaw, Shomo, Stover, Thurmond, Vanmeter, Williams (of Ohio), Wysong and Wolfe (Speaker)—27.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brammer, Bray, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw Spangler, Sturm, Swisher, Taylor, Thomas, Twyman, Vaughn, Williams (of Pleasants) and Wysong—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Brand, Byrnes, Coberly, Cosner, Cox, Grove, Hall, Hays, Hersman, Hickman, John, Moran, McPherson, O'Connor, Peck, Pedigo, Pettigrew, Scott, Shomo, Starcher, Stover, Summers, Thurmond, Vanmeter, Weiss, Williams (of Ohio) and Wolfe (Speaker)—29.

Ordered, That Mr. Kuykendall communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 251).

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 113)—An Act making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budget Amendment."

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Mahan, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, Mo Vey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Peck, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Spangler, Starcher, Sturm, Summers, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss and Williams (of Pleasants)—66.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Coberly, Coleman, Cox, Fortney (of Harrison), Grove, Hall, Hersman, John, Lester, Miller, Moran, McClintic, McDermitt, McPherson, O'Connor, Pedigo, Pettigrew, Scott, Shaw, Shomo, Stover, Thurmond, Vanmeter, Williams (of Ohio), Wysong and Wolfe (Speaker)—27.

On the further motion of the same gentleman, the bill was then read a first time by its title, and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brammer, Bray, Calhoun, Capehart, Clements, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Shaw, Spangler, Sturm, Swisher, Taylor, Thomas, Twyman, Vaughn, Williams (of Pleasants) and Wysong—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Brand, Byrnes, Coberly, Cosner, Cox, Grove, Hall, Hays, Hersman, Hickman, John, Moran, McPherson, O'Connor, Peck, Pedigo, Pettigrew, Scott, Shomo, Starcher, Stover, Summers, Thurmond, Vanmeter, Weiss, Williams (of Ohio) and Wolfe (Speaker)—29.

Ordered, That Mr. Kuykendall communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 251).

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 113)—An Act making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budget Amendment."

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

nected with the operations of such forces, and of providing and erecting tablets, or memorial buildings as memorials to those of them who have died in such service or in any such organization.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 283)—An Act to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county.

Also,

(S. B. No. 150)—An Act to amend and re-enact chapter fifty-four-c of the code of West Virginia, one thousand nine hundred and sixteen, relating to the incorporation and regulation of trust, fidelity, surety, guarantee, bonding, insurance and title companies.

Also,

(S. B. No. 56)—An Act to amend and re-enact chapter forty-six-a of the code of West Virginia (Barnes' one thousand nine hundred and sixteen), relating to the care and disposition of delinquent children.

Also,

(S. B. No. 167)—An Act to amend and re-enact section forty-nine of chapter fifty-three of the code.

And,

(S. B. No. 249)—An Act to amend and re-enact section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

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(S. B. No. 233)—An Act to authorize and empower the public health council to grant and issue license for the practice of medicine and surgery to certain qualified applicants.

Also,

(H. B. No. 281)—An Act amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state.

And

(H. B. No. 115)—An Act to amend and re-enact section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting section thirteen of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of county officers; section one of chapter one hundred and ninety-eight of the acts of the legislature of one thousand eight hundred and seventy-two, relating to the annual settlements of certain county officers; section eight of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of certain county officers.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 245)—An Act to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provision by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain, or assist in building, constructing and maintaining the same, and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

Also

(H. B. No. 296)—An Act fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia.

And

(S. B. No. 27)—An Act amending and re-enacting sub-section five of section twenty-nine-e of chapter one hundred and fifty of the code of West Virginia by adding thereto section five-a.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 257)—An Act fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia.

Also

(S. B. No. 24)—An Act to amend and re-enact section two of

chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to the care and preservation of state and county archives.

Also

(S. B. No. 206)—An Act to amend and re-enact section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session, one thousand nine hundred and seventeen, and add section forty-two-a to said chapter.

And

(H. B. No. 132)—An Act to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-five, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 279)—An Act to authorize the county court of the county of McDowell to establish and maintain a county law library.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

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(S. B. No. 245)—An Act to provide for the submission to the voters of this state of an amendment to the constitution of the state as follows: The legislature shall make provision by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain, or assist in building, constructing and maintaining the same, and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

Also

(H. B. No. 296)—An Act fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia.

And

(S. B. No. 27)—An Act amending and re-enacting sub-section five of section twenty-nine-*e* of chapter one hundred and fifty of the code of West Virginia by adding thereto section five-*a*.

Respectfully submitted,

W. L. POLING,

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Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 257)—An Act fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia.

Also

(S. B. No. 24)—An Act to amend and re-enact section two of

chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to the care and preservation of state and county archives.

Also

(S. B. No. 206)—An Act to amend and re-enact section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session, one thousand nine hundred and seventeen, and add section forty-two-a to said chapter.

And

(H. B. No. 132)—An Act to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-five, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 279)—An Act to authorize the county court of the county of McDowell to establish and maintain a county law library.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the

Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 279)—An Act to authorize the county court of the county of McDowell to establish and maintain a county law library.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 34)—An Act to amend and re-enact section three of chapter sixty of the code, as amended by chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen.

Also

(S. B. No. 99)—An Act to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one and one hundred and thirty, of chapter thirty-two, and section sixty-four of chapter thirty-nine, acts of one thousand nine hundred and seventeen, and adding sections forty and one hundred and twenty-a; and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of the code of one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes.

And

(S. B. No. 164)—An Act to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one, twenty-three and twenty-nine of chapter five of the acts of the third extraordinary session of the

legislature of one thousand nine hundred and sixteen, concerning primary elections.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 165)—An Act to amend and re-enact chapter thirteen of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state, or to the United States, to be absent from their voting precincts on the day of election, to vote by registered mail.

Also

(H. B. No. 171)—An Act to amend and re-enact sections seventy-seven, seventy-eight, seventy-eight-a (7) and seventy-nine-a (1) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (7), seventy-nine-a (8), seventy-nine-a (9), seventy-nine-a (10), seventy-nine-a (11) and seventy-nine-a (12); all relating to banking.

Also

(H. B. No. 172)—An Act to create and to incorporate the municipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto, and defining the powers of said city and the officers thereof and fixing the corporate limits of said city.

Also

(S. B. No. 203)—An Act relating to advertisements of certain remedies.

And

(S. B. No. 192)—An Act to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hun-

dred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 30)—An Act relating to the salaries of county officers."

Also,

(H. B. No. 123)—An Act to provide for a special bridge levy."

Also,

(H. B. No. 226)—An Act to fix the salary of the judges of the circuit courts of the several circuits.

Also,

(S. B. No. 214)—An Act to amend and re-enact section one, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-e-two, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred and twelve-c of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one, and one hundred and two of the acts of West Virginia, regular session of the legislature, one thousand nine hundred and seventeen; to re-arrange and establish the several judicial districts in this state; and to fix the terms and time of holding the circuit courts in the several counties therein.

And,

(S. B. No. 252)—A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance

with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 143)—An Act to authorize the creation of a commission for the purpose of reporting to the legislature on the question of compiling and keeping records of the enlistment and service of citizens of West Virginia in any branch of the naval or military forces of the United States or countries of the Allies during the world war or in any charitable, humane or relief organization connected with the operations of such forces, and of providing and erecting tablets, or memorial buildings as memorials to those of them who have died in such service or in any such organization.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

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(S. B. No. 30)—An Act relating to the salaries of county officers."

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(H. B. No. 123)—An Act to provide for a special bridge levy."

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(S. B. No. 214)—An Act to amend and re-enact section one, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal sections one-a-one, one-a-two, one-b-one, one-b-two, one-c-one, one-c-two, one-d-one, one-d-two, one-e-one, one-e-two, of chapter one hundred twelve, Barnes' code of one thousand nine hundred and sixteen; to repeal chapter one hundred and twelve-a of Barnes' code, one thousand nine hundred and sixteen; to repeal chapters eighty-seven, ninety-two, ninety-four, ninety-six, ninety-seven, one hundred and one, and one hundred and two of the acts of West Virginia, regular session of the legislature, one thousand nine hundred and seventeen; to re-arrange and establish the several judicial districts in this state; and to fix the terms and time of holding circuit courts in the several counties therein.

And,

(S. B. No. 252)—A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment.

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(H. B. No. 283)—An Act to amend and re-enact section nine of chapter twenty-eight of the acts of one thousand nine hundred and nine, relating to the intermediate court of Kanawha county.

Also,

(S. B. No. 150)—An Act to amend and re-enact chapter fifty-four-c of the code of West Virginia, one thousand nine hundred and

sixteen, relating to the incorporation and regulation of trust, fidelity, surety, guarantee, bonding, insurance and title companies.

Also,

(S. B. No. 56)—An Act to amend and re-enact chapter forty-six-a of the code of West Virginia (Barnes' one thousand nine hundred and sixteen), relating to the care and disposition of delinquent children.

Also,

(S. B. No. 167)—An Act to amend and re-enact section forty-nine of chapter fifty-three of the code.

And,

(S. B. No. 249)—An Act to amend and re-enact section eleven of chapter thirty-eight of the acts of one thousand eight hundred and ninety-nine, relating to Clarksburg school district.

Respectfully submitted,

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(S. B. No. 233)—An Act to authorize and empower the public health council to grant and issue license for the practice of medicine and surgery to certain qualified applicants.

Also,

(H. B. No. 281)—An Act amending and re-enacting chapter ninety-two of the acts of the regular session of the legislature of one thousand nine hundred and seventeen and section twenty-four of chapter one hundred and twelve-a of the code of West Virginia, one thousand nine hundred and sixteen, fixing the number of terms and time for holding the circuit court in each of the counties composing the twenty-first circuit of the state.

And

(H. B. No. 115)—An Act to amend and re-enact section thirteen of chapter ninety-three of the acts of the legislature of one thousand nine hundred and seventeen, amending and re-enacting section thirteen of chapter eighty-three of the acts of the legislature of one

thousand nine hundred and fifteen, relating to the salary of county officers; section one of chapter one hundred and ninety-eight of the acts of the legislature of one thousand eight hundred and seventy-two, relating to the annual settlements of certain county officers; section eight of chapter eighty-three of the acts of the legislature of one thousand nine hundred and fifteen, relating to the salary of certain county officers.

Respectfully submitted,

W. L. POLING,

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W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 261)—An Act allowing counties of more than eighty thousand population to lay a special levy to purchase land and erect a jail and jailer's residence thereon.

Also

(H. B. No. 249)—An Act fixing the annual allowance to the clerk of the county court of McDowell county.

Also

(S. B. No. 45)—An Act to amend and re-enact chapter forty-five of Barnes' code of one thousand nine hundred and sixteen, all relating to education.

And

(S. B. No. 95)—An Act to amend and re-enact section thirty-three of chapter forty-six of the code of West Virginia, Barnes' edition of one thousand nine hundred and sixteen, relating to the burial of soldiers, sailors and marines.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey from the Joint Committee on Passed Bills, (other-

wise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-first day of February, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 245)—An Act to provide for the submission to the voters of this state of an amendment to the constitution of the state, as follows: The legislature shall make provision by law for a system of state roads and highways, connecting at least the various county seats of the state, and to be under the control and supervision of such state officers and agencies as may be prescribed by law. The legislature shall also provide a state revenue to build, construct and maintain, or assist in building, constructing and maintaining the same, and for that purpose shall have power to authorize the issuing and selling of state bonds, the aggregate outstanding amount of which, at any one time, shall not exceed fifty million dollars. When a bond issue as aforesaid, is authorized, the legislature shall at the same time provide for the collection of an annual state tax sufficient to pay annually the interest on such debt, and the principal thereof within, and not exceeding thirty years.

Also

(H. B. No. 296)—An Act fixing the salary of the assistant prosecuting attorney of Kanawha county, West Virginia.

And

(S. B. No. 27)—An Act amending and re-enacting sub-section five of section twenty-nine-*e* of chapter one hundred and fifty of the code of West Virginia by adding thereto section five-*a*.

Respectfully submitted,

W. L. POLING,

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(H. B. No. 257)—An Act fixing the annual allowance to the clerk of the county court of Wetzel county, West Virginia.

Also

(S. B. No. 24)—An Act to amend and re-enact section two of chapter sixty-four of the acts of one thousand nine hundred and five, relating to the state department of archives and history, and to the care and preservation of state and county archives.

Also

(S. B. No. 206)—An Act to amend and re-enact section forty-two of chapter one hundred and twenty-three of the acts of the legislature, regular session, one thousand nine hundred and seventeen, and add section forty-two-a to said chapter.

And

(H. B. No. 132)—An Act to amend and re-enact sections nineteen, twenty-six, thirty-one, forty, forty-four, forty-seven and fifty-a of chapter sixty-two of Barnes' code of West Virginia, being section forty of chapter sixty of the acts of one thousand nine hundred and nine, and sections nineteen, twenty-five, twenty-six, thirty-one, forty-four, forty-seven and fifty-a of chapter fourteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia, all relating to the protection and preservation of certain animals, birds and fishes, forest and streams.

Respectfully submitted,

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(H. B. No. 34)—An Act to amend and re-enact section three of chapter sixty of the code, as amended by chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventeen.

Also

(S. B. No. 99)—An Act to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one and one hundred and thirty, of chapter thirty-two, and section sixty-four of chapter thirty-nine, acts of one thousand nine hundred and seventeen, and adding sections forty and

one hundred and twenty-a; and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of the code of one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes.

And

(S. B. No. 164)—An Act to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one, twenty-three and twenty-nine of chapter five of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

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(S. B. No. 165)—An Act to amend and re-enact chapter thirteen of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, providing for legal voters, required by military duty to this state, or to the United States, to be absent from their voting precincts on the day of election, to vote by registered mail.

Also

(H. B. No. 171)—An Act to amend and re-enact sections seventy-seven, seventy-eight, seventy-eight-a (7) and seventy-nine-a (1) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (7), seventy-nine-a (8), seventy-nine-a (9), seventy-nine-a (10), seventy-nine-a (11) and seventy-nine-a (12); all relating to banking.

Also

(H. B. No. 172)—An Act to create and to incorporate the muni-

cipal corporation of the city of Welch in the county of McDowell and state of West Virginia, and to grant a charter thereto, and defining the powers of said city and the officers thereof and fixing the corporate limits of said city.

Also

(S. B. No. 203)—An Act relating to advertisements of certain remedies.

And

(S. B. No. 192)—An Act to amend and re-enact chapter one hundred and four of the acts of one thousand eight hundred and ninety-seven, incorporating the city of Hinton, as amended by chapter one hundred and twenty-one of acts of one thousand nine hundred and one and chapter fifteen of the acts of one thousand nine hundred and fifteen of the legislature of West Virginia; to extend the limits of said city and define the powers thereof; and to repeal all acts and parts of acts inconsistent herewith; and an act to create and establish the independent school district of Hinton, in the county of Summers, and submitting the question to a vote of the people.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. McCauley in the Chair.

A message from the Senate by Mr. Cobun, announced that the Senate had concurred in the amendments proposed by the House, except as shown by communication attached to the bill, and requested that the House recede from the amendments, as set out in the communication, to

Senate Bill No. 164—"A Bill to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one and twenty-three of chapter five of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections."

Mr. Anderson moved that the House recede from the amendments, Which motion did not prevail.

Thereupon,

Mr. Stover moved that the House refuse to recede from the amendments, and asked for a conference.

Which motion prevailed, and

Ordered, That Mr. Stover return the bill to the Senate and inform that body of the refusal of the House of Delegates to recede from the amendments, and request a conference.

Thereupon,

The Speaker appointed the following Committee of Conference: Messrs. Stover, Fortney (of Preston) and Ferguson, and

Subsequently,

Mr. Stover, from the Committee of Conference on the disagreeing votes of the two Houses as to Senate Bill No. 164, submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two Houses as to "An Act to amend and re-enact sections three, eight, ten, eleven, twenty, twenty-one, twenty-three and twenty-nine of chapter five of the acts of the third extraordinary session of the legislature of one thousand nine hundred and sixteen, concerning primary elections."

After a full and free conference have agreed to recommend and do recommend as follows:

'That the House of Delegates recede from the amendment proposed to section twenty-nine, page eleven, line fourteen, after the word "convention," by adding the following:

"Except as hereinbefore provided."

Also that the House of Delegates recede from the amendment at the end of section twenty-nine, on page eleven, which is in the following language:

"*Provided*, That at the option of the judicial committee of either party, of any judicial circuit candidates for circuit judges may be nominated at the primary provided for by this act; such committee to decide as to such nominations between the first and fifteenth of January in each year in which such circuit judges are to be elected."

Respectfully submitted,

HARVEY W. HARMER,

S. L. COBURN,

FRED L. FOX,

Conferees on the part of the Senate.

K. H. STOVER,

E. VERNON FORTNEY,

W. K. FERGUSON,

Conferees on the part of the House.

On motion of Mr. Stover, the recommendations of the Committee

on Conference were reported by the Clerk and agreed to.

The bill, as amended, was then passed with its title.

The ayes were:

Messrs. Blackhurst, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hale, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lester, Mahan, Moore, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—65.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Bannister, Blizzard, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cox, Godfrey, Grove, Hall, Hamilton, Hersman, John, Lantz, Miller, Mollohan, Morris, Pedigo, Shomo, Summers, Thomas, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—28.

Ordered. That Mr. Fortney (of Preston) communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 164), as amended.

Unanimous consent being given,

Mr. Moore offered the following resolution:

WHEREAS, All of the other attaches of the House of Delegates have received an increase in salary except the floor stenographers, and

WHEREAS, They have been most loyal and deserving and have performed as much, if not more, service than the other attaches whose per diem have been increased; therefore be it

Resolved, That the said floor stenographers be given an increase of two dollars per diem, making a total of eight dollars per diem for the session, and that the sergeant-at-arms be ordered to pay the same out of the contingent fund of the House, and the auditor is hereby directed to pay the same.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

The Speaker resumed the Chair.

On motion of Mr. Howard, the rules were suspended and Senate Bill No. 203—"A Bill relating to advertisements of certain remedies."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The yeas were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Corner, Cunningham, Cuppett, Fortney (of Harrison), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds McDermitt, Neale (of Cabell), Neal (of Webster), O'Connor, Otto, Parsons, Perin, Rankin, Shaw, Spangler, Starcher, Sturm, Swisher, Thomas, Vaughn and Weiss—54.

The noes were:

Messrs. Fitch, Peck, Pridemore, Richards and Taylor—5.

Absent and not voting:

Messrs. Anderson, Blizzard, Cox, Ferguson, Fortney (of Preston), Grove, Hall, Hersman, Hickman, Hilleary, John, Moran, Musser, McCauley, McClaren, McClintic, McPherson, McVey, Nutter, Pedigo, Pettigrew, Rouss, Sarver, Scott, Shomo, Stover, Summers, Thurmond, Twyman, Vanmeter, Williams (of Ohio), Williams (of Pleasant), Wysong and Wolfe (Speaker)—34.

On the further motion of the same gentleman the bill was then read a first time by its title and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Godfrey, Grove, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Pride-more, Rankin, Rouss, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—69.

The noes were:

Messrs. Richards, Swisher and Taylor—3.

Absent and not voting:

Messrs. Anderson, Blizzard, Brand, Cox, Ferguson, Fortney (of Preston), Hall, Hersman, Hickman, John, Moran, McClaren, Parsons, Pedigo, Scott, Shomo, Stover, Thurmond, Vanmeter, Williams (of Ohio) and Wyson—21.

Ordered, That Mr. Howard communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 203).

A message from the Senate by Mr. Duty, announced that the Senate had amended, and passed as amended, and requested the concurrence of the House in the amendments to

House Bill No. 34—"A Bill to amend and re-enact chapter thirty-one of the acts of the legislature of West Virginia of the regular session of one thousand nine hundred and seventten, said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large, and prescribing a penalty therefor."

On motion of Mr. Coon, the bill (H. B. No. 34), with Senate amendments, was taken up for immediate consideration, and

Thereupon,

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

In the title, line one, after the word "re-enact," by inserting the following: "Section three of chapter sixty of the code, as amended by."

In line three, by striking out the following: "said act being an amendment and re-enactment of section three of chapter sixty of the code of West Virginia, relating to animals running at large and prescribing a penalty therefor."

On page one, line one, after the word "That," by inserting the following: "section three of chapter sixty of the code, as amended by."

Line three, after the word "seventeen," by striking out the following: "said act being an amendment to section three of chapter sixty of the code of one thousand nine hundred and sixteen."

Page one, section three, line two, after the word "goat," by striking out the words "geese, turkeys, chickens or other animals."

On page one, section three, beginning in line five, by striking out the following: "and for every successive trespass by such animal or animals, the owner thereof shall be liable in damages in double the amount thereof."

By striking out, beginning in line seventeen with the word "provided" and ending in line thirty with the word "large," and inserting the following at the end of the bill: "All acts or parts of acts in conflict herewith or inconsistent herewith are hereby repealed."

The bill (H. B. No. 34), as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Hackney, Hale, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Jones, Kern, Lantz, Lester, Miller, Mollohan, Moore, Moulds, Musser, McClaren, McC Clintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Richards, Rouss, Sarver, Scott, Shaw, Spangler, Starcher, Sturm, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—64.

The noes were:

None.

Absent and not voting:

Messrs. Anderson, Blizzard, Coberly, Cox, Cuppett, Ferguson, Fortney (of Preston), Grove, Hall, Harvey, Hersman, Hickman, Howard, John, Kuykendall, Mahan, Moran, Morris, McCauley, Neal (of Webster), Pedigo, Pridemore, Shomo, Stover, Summers, Thurmond, Vanmeter, Williams (of Ohio) and Wysong—29.

Ordered, That Mr. McPherson communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 34), as amended.

A message from the Senate by Mr. Gribble, announced the passage by that body of

Senate Bill No. 252—"A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment.

And asked the concurrence of the House therein.

A message from the Senate by Mr. Luther, announced the concurrence of that body in the passage of

House Bill No. 279—"A Bill to authorize the county court of the county of McDowell to establish and maintain a county law library."

On motion of Mr. Moore, the rules were suspended and

Senate Bill No. 252—"A Supplemental Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment."

On first reading, was taken up out of its order for immediate consideration.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Calhoun, Capehart, Clements, Coberly, Coleman, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hilleary, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Richards, Rouss, Sarver, Shaw, Spangler, Starcher, Sturm, Summers, Swisher,

Taylor, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—62.

The noes were:

Mr. Rankin—1.

Absent and not voting:

Messrs. Anderson, Blizzard, Byrnes, Coon, Cosner, Cox, Cuppett, Fortney (of Preston), Godfrey, Grove, Hall, Hersman, Hickman, John, Lantz, Moran, McClintic, McDermitt, McPherson, Neal (of Webster), Parsons, Pedigo, Pridemore, Scott, Shomo, Stover, Thurmond, Vanmeter, Williams (of Ohio) and Wysong—30.

On the further motion of the same gentleman, the bill was then read a first time by its title and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Calhoun, Capehart, Coleman, Cunningham, Cuppett, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Houvouras, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Nutter, O'Connor, Otto, Peck, Perin, Pettigrew, Richards, Rouss, Sarver, Spangler, Starcher, Sturm, Summers, wisher, Taylor, Thomas, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—58.

The noes were:

Mr. Rankin—1.

Absent and not voting:

Messrs. Anderson, Blizzard, Byrnes, Clements, Coberly, Coon, Cosner, Cox, Ferguson, Fortney (of Preston), Grove, Hall, Hersman.

Howard, John, Jester, Mollohan, Moran, Morris, McClaren, Neale (of Cabell), Neal (of Webster), Parsons, Pedigo, Pridemore, Scott, Shaw, Shomo, Stover, Thurmond, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—34.

Ordered, That Mr. Moore communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 252).

Mr. Chapman, from the Committee of Conference on the disagreeing votes of the two houses as to Senate Bill No. 99, submitted the following report, which was received:

Your Committee of Conference on the disagreeing votes of the two Houses as to the House amendments to Senate Bill No. 99,

After a full and free conference have agreed to recommend and do recommend as follows:

That the amendment of the House of Delegates be adopted.

Respectfully submitted,

FLOYD S. CHAPMAN,

A. E. SCHERR,

Conferees on the part of the Senate.

A. B. C. BRAY,

GEO. MCCLINTIC,

Conferees on the part of the House.

A message from the Senate by Mr. Duty, announced the concurrence of that body in the passage of

House Bill No. 171—"A Bill to amend and re-enact sections seventy, eighty-one-a (one), eighty-one-a (two), eighty-one-a (seven) and eighty-one-a (twelve) of chapter fifty-four of Barnes' code of one thousand nine hundred and sixteen, and add to said chapter sections seventy-nine-a (seven), seventy-nine-a (eight), seventy-nine-a (nine), seventy-nine-a (ten), seventy-nine-a (eleven) and seventy-nine-a (twelve); all relating to banking."

On motion of Mr. Hays, the House recessed for forty-five minutes.

The House met at the expiration of the recess.

The Speaker announced the appointment of the following committees, provided for under the following resolutions:

SENATE CONCURRENT RESOLUTION No. 7—Committee on the part of the House to consider primary election law.

Mr. John.

Mr. Peck.

Mr. Richards.

SENATE CONCURRENT RESOLUTION No. 8—Committee on the part of the House to prepare proper bill in the Virginia debt matter.

Mr. Anderson.

Mr. Moore.

Mr. Parsons.

Mr. Swisher.

Mr. Kern.

Mr. Hall.

HOUSE CONCURRENT RESOLUTION No. 15—The state police bill.

Committee on the part of the House:

Mr. McClintic.

Mr. McVey.

Mr. Twyman.

Mr. Stover.

Mr. Thurmond.

HOUSE JOINT RESOLUTION No. 5—The Maryland-West Virginia bridge matter.

Committee on the part of the House:

Mr. Cuppett.

Mr. Grove.

Mr. Rouss.

Mr. Shaw.

Mr. Kuykendall.

SENATE JOINT RESOLUTION No. 13—Berkeley Springs.

Committee on the part of the House:

Mr. Hamilton.

Mr. Perin.

Mr. Pettigrew.

Unanimous consent being given,

Mr. Pettigrew offered the following resolution:

Be it Resolved by the House of Delegates:

That the per diem of the clerk of the Committee on Finance be extended ninety days to complete his work, file the official papers and other documents lodged with the Finance Committee and to prepare a comparative statement of appropriations from one thousand nine hundred and fourteen to one thousand nine hundred and twenty-one, inclusive, for publication in the corrected Journal; also to prepare for publication a digest of the budget laws of the several states that have adopted the budget system.

Pending which

Mr. Swisher moved to amend the resolution by adding at the end thereof the following:

"Also by extending the time of all floor stenographers, pages, committee clerks, journal clerks and cloak room keepers for two years, or until the next regular session of the legislature."

Which amendment did not prevail.

The question recurring on the resolution offered by Mr. Pettigrew,

On the further motion of Mr. Pettigrew, the resolution was taken up for immediate consideration, reported by the Clerk and adopted.

Unanimous consent being given,

Mr. Stover offered the following resolution:

Resolved, That for the purpose of re-arranging, annotating, footnoting, indexing, publishing and distributing to the members of this House the manual of rules of this session, the time of F. A. McGrew, supervisor of committee clerks, and one stenographer, to be designated by him, be extended for a period of two months from the adjournment of this legislature, at the same per diem each, that he is now receiving.

And that the superintendent of printing is hereby directed to have same printed when approved by the Speaker of this House.

And the use of the room and furniture now occupied by the sergeant-at-arms of the House is hereby assigned for the preparation and completion of said work.

And the sergeant-at-arms is hereby authorized and directed to draw his warrant upon the auditor, and the auditor is hereby authorized to pay same, for the per diem of said McGrew and one stenographer, payable out of the contingent fund of the House.

Upon the completion of said manual the said McGrew shall mail a copy thereof to each member of this House.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration, reported by the Clerk and adopted.

On motion of Mr. Parsons, the large American flag was given to Mr. Rankin.

Unanimous consent being given,

Mr. McClintic offered the following resolution:

Resolved, That the per diem of John Campbell, T. W. Parsons and Lewis Shafer, day and night watchmen of the hall of the House of Delegates, be extended until the extra session, and the sergeant-at arms is hereby directed to draw his warrants at the rate per diem

received this session, on the auditor for same, payable out of the contingent fund of the House.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration, reported by the Clerk and adopted

On motion of Mr. McClintic, the House recessed for thirty minutes

The House met at the expiration of the recess.

A message from the Senate by Mr. Montgomery, announced that the Senate had adopted the report of the Committee of Conference and concurred in the amendments proposed by the House of Delegates to

Senate Bill No. 99—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine and sixty-four, as amended by chapter thirty-nine, acts of one thousand nine hundred and seventeen, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty, and adding sections forty and one hundred and twenty-a, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

A message from the Senate by Mr. Scherr, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 10—Raising a Joint Committee to wait upon the governor.

Resolved by the Senate, the House of Delegates concurring therein:

That a joint committee of five, consisting of two on the part of the Senate, to be appointed by the President thereof, and three on the part of the House of Delegates, to be appointed by the Speaker thereof, be appointed for the purpose of notifying the governor that the legislature is ready to adjourn by reason of the expiration of the constitutional limit of forty-five days.

On motion of Mr. Moore, the resolution was taken up for immediate consideration, reported by the Clerk and adopted.

As such committee, the Speaker appointed Messrs. Moore, Otto and Hays.

Subsequently,

Mr. Moore, from the joint committee to wait on the governor, re-

ported that the committee had performed the duty assigned to it and that the governor had requested the committee to thank the House of Delegates for its labors and inform that honorable body that he had no further communication.

Unanimous consent being given,

Mr. Moore offered the following resolution:

"Resolved, That a committee of three be appointed by the Speaker to inform the Senate that the House of Delegates has completed its business and is ready to adjourn sine die."

As such committee the Speaker appointed Messrs. Perin, O'Connor and Weiss.

A message from the Senate by Mr. Montgomery, announced that the Senate had completed its labors and was ready to adjourn.

Whereupon, on motion of Mr. Hays, seconded by Mr. Kuykendall, the House of Delegates adjourned *sine die*.

.....
Speaker of the House of Delegates.

.....
Clerk of the House of Delegates.

WEST VIRGINIA LEGISLATURE

JOURNAL OF THE

HOUSE OF DELEGATES

EXTRAORDINARY SESSION 1919.



CHARLESTON, W. Va.,
TUESDAY, March 11, 1919.

Pursuant to the proclamation of His Excellency, the Governor, hereinafter set forth, dated the twenty-eighth day of February, 1919, convening the legislature of the state of West Virginia, on Tuesday, the eleventh day of March, 1919, the House of Delegates assembled in the capitol building, at the city of Charleston, at the hour of 12 o'clock, meridian, and was called to order by the Speaker, Hon. J. Luther Wolfe.

Prayer was offered by Rev. Mr. Blackhurst, the delegate from the county of Pocahontas.

The roll being called, the following members answered to their names:

Present:

Messrs. Anderson, Blackhurst, Bland, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—77.

Absent:

Messrs. Bannister, Blizzard, Brand, Calhoun, Cosner, Cox, Hale, Hersman, Hilleary, McCauley, McDermitt, Pedigo, Shaw, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

received this session, on the auditor for same, payable out of the contingent fund of the House.

On the further motion of the same gentleman, the resolution was taken up for immediate consideration, reported by the Clerk and adopted

On motion of Mr. McClintic, the House recessed for thirty minutes

The House met at the expiration of the recess.

A message from the Senate by Mr. Montgomery, announced that the Senate had adopted the report of the Committee of Conference and concurred in the amendments proposed by the House of Delegates to

Senate Bill No. 99—"A Bill to amend and re-enact sections one, three, four, ten, thirty-four, thirty-five, thirty-seven, thirty-nine and sixty-four, as amended by chapter thirty-nine, acts of one thousand nine hundred and seventeen, one hundred and five, one hundred and nine, one hundred and twenty, one hundred and twenty-one, one hundred and thirty, and adding sections forty and one hundred and twenty-a, and repealing sections two, nine, twelve, thirteen, fourteen, fifteen, sixteen, nineteen, thirty-six, forty-four, fifty-eight and one hundred and four, of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes."

A message from the Senate by Mr. Scherr, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 10—Raising a Joint Committee to wait upon the governor.

Resolved by the Senate, the House of Delegates concurring therein:

That a joint committee of five, consisting of two on the part of the Senate, to be appointed by the President thereof, and three on the part of the House of Delegates, to be appointed by the Speaker thereof, be appointed for the purpose of notifying the governor that the legislature is ready to adjourn by reason of the expiration of the constitutional limit of forty-five days.

On motion of Mr. Moore, the resolution was taken up for immediate consideration, reported by the Clerk and adopted.

As such committee, the Speaker appointed Messrs. Moore, Otto and Hays.

Subsequently,

Mr. Moore, from the joint committee to wait on the governor, re-

ported that the committee had performed the duty assigned to it and that the governor had requested the committee to thank the House of Delegates for its labors and inform that honorable body that he had no further communication.

Unanimous consent being given,

Mr. Moore offered the following resolution:

"Resolved, That a committee of three be appointed by the Speaker to inform the Senate that the House of Delegates has completed its business and is ready to adjourn sine die."

As such committee the Speaker appointed Messrs. Perin, O'Connor and Weiss.

A message from the Senate by Mr. Montgomery, announced that the Senate had completed its labors and was ready to adjourn.

Whereupon, on motion of Mr. Hays, seconded by Mr. Kuykendall, the House of Delegates adjourned *sine die*.

.....
Speaker of the House of Delegates.

.....
Clerk of the House of Delegates.

WEST VIRGINIA LEGISLATURE

JOURNAL OF THE

HOUSE OF DELEGATES

EXTRAORDINARY SESSION 1919.



CHARLESTON, W. Va.,
TUESDAY, March 11, 1919.

Pursuant to the proclamation of His Excellency, the Governor, hereinafter set forth, dated the twenty-eighth day of February, 1919, convening the legislature of the state of West Virginia, on Tuesday, the eleventh day of March, 1919, the House of Delegates assembled in the capitol building, at the city of Charleston, at the hour of 12 o'clock, meridian, and was called to order by the Speaker, Hon. J. Luther Wolfe.

Prayer was offered by Rev. Mr. Blackhurst, the delegate from the county of Pocahontas.

The roll being called, the following members answered to their names:

Present:

Messrs. Anderson, Blackhurst, Bland, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—77.

Absent:

Messrs. Bannister, Blizzard, Brand, Calhoun, Cosner, Cox, Hale, Hiersman, Hilleary, McCauley, McDermitt, Pedigo, Shaw, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—16.

Thereupon,

The Speaker announced a quorum present, seventy-seven members having answered to their names.

The Speaker laid before the House the proclamation of the Governor, which was read by the Clerk, and is as follows:

UNITED STATES OF AMERICA,

STATE OF WEST VIRGINIA.

EXECUTIVE DEPARTMENT.

A PROCLAMATION

BY THE GOVERNOR.

I, Jno. J. Cornwell, governor of West Virginia, by virtue of the authority conferred upon me by section seven of article seven of the constitution and in pursuance thereof, do hereby call the legislature of said state to convene in its chambers in the capitol, in the city of Charleston, at noon, Tuesday, the eleventh day of March, one thousand nine hundred and nineteen to consider and act upon the following subjects:

First: To carry into effect, through proper legislative enactment, the settlement of the judgment obtained by the state of Virginia against the state of West Virginia in the supreme court of the United States, in accordance with the proposition made by the state of Virginia, through its representative, to the legislature of West Virginia and accepted by the latter in Senate Concurrent Resolution No. 6.

Second: To consider and enact any proper revenue measure or measures, and to amend and re-enact any existing revenue statutes.

Third: To consider and enact legislation providing military or police protection for the state.

Fourth: To consider and enact legislation amending the Primary Election Law, as requested in Senate Concurrent Resolution No. 7.

Fifth: To amend and re-enact section two, of Senate Bill No. 12 passed at the late regular session of the legislature, entitled, "An act to amend and re-enact chapter twenty-eight-a of the code of West Virginia of one thousand nine hundred and sixteen codifying and embracing in one act all the general laws relating to the rate and manner of laying levies * * * " so that the emergency levy provided in said sub-division (b) of said section two may be changed so as to provide a county levy for roads and bridges, the fund derived from which to be used on district or class "B" roads as such roads are defined in chapter sixty-six of the acts of the legislature of one thousand nine

hundred and seventeen; and to amend and re-enact sub-division (c) of said section two so as to harmonize the same with section thirty-one of a bill passed at the late regular session of the legislature known as House Bill No. 46.

Sixth: To consider and pass a concurrent resolution authorizing the appointment of a commission to co-operate with the Interior Department of the Federal Government in the Soldiers' Land Settlement Project.

Seventh: To consider and adopt a joint resolution or to pass an act, if deemed necessary, empowering the State Council of Defense to co-operate with the Federal Government in the work of the Americanization of foreign-born residents, and to provide work for the unemployed.

Eighth: To consider and pass an enabling act allowing Grant district, Wetzel county, to provide funds to complete certain unfinished school buildings.

Ninth: To consider and act upon the question of the compensation of circuit judges.

Tenth: To make necessary appropriations of public moneys to pay the expense of the special session.

In Testimony whereof I have hereunto set my hand and cause the Great Seal of the state to be affixed.

Done at the capitol, in the city of Charleston, this
(SEAL) the twenty-eighth day of February, in the year of our Lord, one thousand nine hundred and nineteen, and in the fifty-sixth year of the state.

By the Governor:

JNO. J. CORNWELL, *Governor.*

HOUSTON G. YOUNG,
Secretary of State.

Mr. Swisher offered the following resolution:

Resolved, That the Speaker appoint a committee of three to inform the Senate that a quorum of the House of Delegates has assembled in its hall under the proclamation of the governor, issued on the twenty-eighth day of February, one thousand nine hundred and nineteen, and is ready to proceed with the business for which it has assembled.

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Thereupon,

The Speaker appointed as such committee, Messrs. Swisher, Pettigrew and Coberly.

A message from the Senate by Messrs. Johnson and Kump, announced that that body had assembled in its hall, pursuant to the proclamation of the governor, with a quorum present, and was ready to proceed with business.

Mr. John offered the following resolution:

Resolved, That the rules of the regular session of the legislature of one thousand nine hundred and nineteen, adopted by the House of Delegates, be, and the same are hereby, adopted as the rules governing this House during this extraordinary session; and be it further

Resolved, That in lieu of the standing and special committees of this House of the regular session there be retained only the following committees:

Committee on Rules.

Committee on the Judiciary.

Committee on Taxation and Finance.

Committee on the Virginia Debt.

Joint Committee on Passed and Enrolled Bills.

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Whereupon,

The Speaker announced that such committees would be composed of the same members who served during the regular session of 1919.

On motion of Mr. Swisher, leave of absence was granted to Mr. Cox, on account of serious illness.

On motion of Mr. Fortney (of Preston), an indefinite leave of absence was granted to Mr. Shaw, on account of illness.

On motion of Mr. McVey, leave of absence was granted to Mr. Blizzard, on account of illness.

A message from the Senate by Messrs. Duty and Morton, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 1—"Providing for the appointment of a joint committee to wait upon the governor and notify him that the legislature is organized."

Resolved by the Senate, the House of Delegates concurring therein: That a committee of two on the part of the Senate and three on the part of the House of Delegates be appointed to jointly wait upon the governor and notify him that the legislature is now in special session pursuant to his proclamation, dated February 28th, 1919, with a

quorum of each House present, and awaits any communication he may desire to make. The members of said committee to be appointed respectively by the President of the Senate and the Speaker of the House of Delegates.

On motion of Mr. John, the resolution (S. C. R. No. 1) was taken up for immediate consideration and adopted.

Thereupon,

The Speaker named as such committee Messrs. John, Starcher and Miller.

Ordered, That Mr. John communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. C. R. No. 1).

Subsequently,

Mr. John reported that the committee had performed the duty assigned to it.

Mr. Anderson offered the following resolution:

Resolved, That the Speaker be, and is hereby, empowered in his discretion to add to the membership of any committee provided for by resolution this day adopted in respect to the permanent committees.

On motion of Mr. Anderson, the resolution was taken up for immediate consideration and adopted.

Mr. Jas. W. Wier, private secretary to the governor, appeared at the bar of the House and presented the message of the governor.

Thereupon,

The Speaker laid before the House the said message and directed that it be read by the Clerk.

The message is as follows:

To the Legislature:

In accordance with the wishes of the members of your body, as expressed in certain Resolutions passed at the General Session, I have convened you for the consideration, primarily, of the subject matters of those Resolutions.

The first and most important thing, of course, is to carry into effect, through proper legislative enactment, the settlement of the judgment obtained by the State of Virginia against the State of West Virginia, in accordance with the proposition presented to you and as accepted in the Joint Resolution which you adopted.

The Committee appointed by you having been in session, I am assuming that a satisfactory bill, or bills, will have been drafted and

will be ready for presentation to you. I congratulate you that you have had the wisdom and the courage to end this controversy and that you will put the State in a position before the country of respecting the opinion of the Supreme Court of the United States and of satisfying a judgment rendered by it. Regardless of what any of us may have felt, or may feel now, as to the amount of interest which the Court adjudged we should pay on the principal sum found to be due the State of Virginia as our share of the Virginia Debt, or regardless of what any of us may feel as to the mistakes that have been made by past Legislatures and officials in failing to avail themselves of offered opportunities to settle the controversy for many millions less than we now have to pay, there was and is but one honorable course open now. To have attempted repudiation or waited to be coerced, would not only have been dishonorable but disastrous.

The burden, if equitably distributed among all the people and over all classes of property, will be by no means heavy, spread, as it must be, over a period of twenty years, in accordance with the provisions of our Constitution. The tremendous increase in taxable values which will come with business readjustment and with a revival of business activity, will form an entirely new basis of assessment. I do not mean, however, to suggest that the Legislature should confine itself to direct levies for raising revenue, special or general, now or hereafter. There will be legitimate sources of indirect taxation for State purposes in the future as there have been in the past and where these sources can be utilized with fairness to the business or the industry affected, they should be so utilized.

At the time this is written I am not advised as to the plan or plans for raising the additional revenue needed, which your Committee has adopted and which it will present to you, but I feel confident careful consideration is being given the subject and that you will deal with the matter with patience and good judgment.

The second matter embraced in the call, in accordance with your wishes as expressed in a Joint Resolution, is that of providing some form of military or police protection for the State.

I respectfully refer you again to my suggestions and statements on this subject in the message to your Regular Session and presume upon your patience to quote a few of the closing paragraphs of that discussion:

"It seems to me no argument is needed that the State must have some kind of military or police force. That is just as necessary as that this city have one and even burglars and house-

breakers would hardly undertake to argue that the city should dismiss its guardians. But the State does not need a big, unwieldy and expensive organization. The creation of the force must be safeguarded most carefully so that they shall not constitute the representatives of any private interests or employers—they must be the representatives of the State. Then again, the danger arises and will be present in the minds of many people, of the construction of a political machine, or an organization that could possibly be misused to oppress and interfere with the people's liberties. It will not be an easy task to provide against all of these things and in the last analysis the enforcement of any law or system depends upon the character of the man or the men to whom it is entrusted. Whatever safeguards are thrown around such a plan as I am suggesting, the people will have to trust somebody to handle it.

My thought is that such Police Force should be drawn from all over the State and might be appointed by the Circuit Judges. I believe that in this way sinister motives would not influence their selection. Then, too, if obtainable, they should be men who have done service in the Great War. If the positions are desirable those men are entitled to first consideration and their experience would make them the best fitted for the work.

Upon them should be placed the enforcement of the prohibition law, upon which the State is now expending \$40,000.00 annually, a sum which would go a long way toward maintaining the force of men necessary for all purposes. The railroads should be required by statute to transport them within the State, free. This would be a tremendous saving to the State and the transportation companies as well, for the latter would be able to dispense with the services of their special police officers, or most of them. Scarce a day passes that an appeal does not come to this office for aid in investigating a robbery, or some crime where citizens believe the local authorities are not able or willing to apprehend the perpetrator. A proper force of discreet, high-class men, in addition to furnishing the State the necessary military or police force, can exterminate the bootlegger and the illicit distiller and reduce crime of all kinds furnishing protection against law-breakers of all classes.

I very well realize the danger of this suggestion being misunderstood and the certainty of its being misrepresented by those who will gladly avail themselves of the opportunity to find fault with me and to denounce me for trying to hand the State over to employers of labor, but I am not permitting that to deter me from putting this matter squarely before you. As a matter of fact it will make the employment of private guards inexcusable and that might, very well, be prohibited by law, except under specific conditions. The question of the preservation of order is a question for organized society, for the municipality, the county and the State, and should not be imposed upon, left

to or delegated directly or indirectly to private corporations.

I am not seeking to go into details, but merely suggesting to you the necessity of your dealing with this question and hinting in a general way at a plan which I believe will safeguard the rights of individuals and prove efficient as well as economical. I am simply discharging a plain duty. I trust, realizing, as I am sure you will, the gravity of the question, you will meet it in the same spirit I offer it.

I would not have devoted so much space and time to this question were it not that I remember the reluctance with which the previous Legislature dealt with it and how near it came to adjourning without providing any military protection, or police protection, despite the fact a state of war existed and that there were hundreds of alien enemies within our borders. Of course, had it adjourned without making some provision, I would have been forced to call another special session and continued that course until some provision was made."

From the foregoing, it will be apparent to you I had no copyright plan that I was trying to force through the Legislature; that I realized it would be a perplexing problem for you to solve; that I did not want the responsibility of organizing a police force, if one was created, but was not trying to shirk any proper responsibility that the Legislature might place on me. It is further apparent that I had no desire to create a big, unwieldy or expensive force of "guards" or a "Constabulary" for the purpose of harassing or intimidating anybody or any organization.

It is furthermore well known to the Legislature, especially to the members of the House, before whom I appeared, at their invitation, to discuss the matter, that I did not recommend the revival of the National Guard for the reason the Federal Statute makes it necessary for us to have 6,400 men in 1921, if we are to revive the National Guard, that I did not believe we needed any such huge military establishment. I might now add; I also regarded it as improbable that we could secure enlistments of men in any considerable number, judging from the experience we had in our efforts to recruit the two regiments to full strength when they were mobilized prior to being drafted into Federal service.

However, in order that a way might be found, if possible to organize a single regiment of National Guard, on the fourth instant I called on General Carter, Chief of the Militia Bureau of the War Department, and went over the matter with him thoroughly. He explained definitely that the provision of the Federal Act stating the number of men for each Congressman and Senator which each state must

take into its National Guard force, could not be waived. On the same day he confirmed that statement by letter as follows:

"Under the provisions of Section 62 of the Act of Congress approved June 3, 1916, each State is required to have organized by June 3, 1919, not less than 450 men per Senator and Congressman, and the President may, under the provisions of Section 116, debar any State, wholly or in part, from receiving any pecuniary or other aid from the Federal Government. While it is not contemplated to enforce this latter provision because of a shortage of men at this time, it must be understood that in the event the law is not changed, the number of men to be organized in the National Guard of each State must be that provided in Section 62 above referred to."

In addition he explained that the failure of Congress to pass the military appropriation bills would make it impossible for his Department to furnish clothing and equipment for more than one regiment. Consequently, if a reorganization of the Guard was undertaken, we would be compelled to enlist 3,600 men by June third of this year. The Federal Government could clothe and equip but one regiment and this State would have to clothe and equip the other at its own expense. Of course, that shows the absolute impossibility and impracticability of undertaking a reorganization of the National Guard, but I have taken your time to go into this fully for the reason that the suggestion is continuously being made in the newspapers that, while it is necessary to have military or police protection, the National Guard is preferable.

I might also call your attention to the fact that Section 61 of the Act of Congress of June 3, 1916, prohibits a state from maintaining troops other than National Guard in time of peace but there is this proviso:

"Provided further that nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary."

A great deal of the discussion and most of the suggestions regarding a possible solution of the question have been from persons and newspapers who have not understood the situation and were not advised as to the law. Briefly stated the situation is this:

1. The State is prohibited by Federal Statute from maintaining an independent military or militia force.
2. To reorganize the National Guard we must have 3,600 men by June third of the present year, but by reason of the

failure of Congress to pass an appropriation bill, the War Department can supply equipment for only one regiment and the State would have to equip the remainder of the Guard at its own expense. In addition to this, it must increase the number of men at the rate of fifty per cent per year until the total force is 6,400 men at least.

3. The question, therefor, narrows down to the fact that the State must provide some form of police force or go without any protection whatever.

In my message to the Regular Session I expressed the opinion that a carefully selected police force, through a proper modification of the present Deputy Sheriff Law, would be the more efficient and the less expensive organization, and indicated I thought the men might be picked by the Circuit Judges. The latter suggestion was not original but was made to me by some persons who were afterwards most active in opposing the bill you had under consideration.

I have not changed my mind, despite the discussions that have raged regarding this matter. I did not, in my former message, elaborate on the suggestion that the enforcement of the Prohibition statute should be by this proposed police force, lest the suggestion be misunderstood or misconstrued, but inasmuch as it has been attacked by the Prohibition Commissioner, frankness compels me to be more specific now.

I shall not here repeat what I said to the members of the House or any part of it, in discussing this subject with them. I have some information as to the activities of certain agents and emissaries that are seeking to organize the I. W. W. in this State, which I did not have then. On the very day of your adjournment, I received the following letter.

"Bayard, W. Va.
2-20-1919.

YOUR EXCELLENCY:

Am enclosing, herewith, copy of some literature handed me for distribution among my brother lodge members, i. e. United Mine Workers. I deplore the fact of this effort to instill the radical element into our organization and consider it a sacred duty to combat their efforts. Five of these pamphlets and three papers I destroyed. This one I send you for your perusal. This party assured me that in about ten days he would be along with a more plentiful supply. Party said his name was Gelwitz or Gelwicz and was Polish or Russian. I send you these at the instance of Mr. Isaac Smith, Petersburg, West Virginia. Prosecuting Attorney this County. You can depend upon my assistance in any way to break this effort. As to my integrity.

I refer you, without permission, to Post Master or Justice of Peace or Mr. I. M. Long, General Manager, Culpepper Supply Company, all of Bayard.

Yours to Command,
"G. C _____."

I have confidential information that in another section these organizers have secured arms and are preparing to procure more. I have appealed to local unions of labor organizations to be on their guard against these people, to be vigilant and to help me keep them out of the State and to aid in preventing their getting a foothold. I am doing all I can through individual efforts and I have the support of many members of labor organizations, but has the time come to rely solely upon argument and the hope that these emissaries of evil will not be able to delude some of our own people, to say nothing of the many thousands of non-English speaking people in the State who are being made their special targets?

I do not want to make any concealment of what I have in mind. I have told the members of all the various labor organizations, and, therefore, there is no reason why I should not tell this Legislature, that I do not intend to permit the Bolsheviki and the I. W. W. to carry on their propaganda and perfect organizations in this State unless the Legislature wills to leave me without the power to prevent it

As I have clearly shown, we must have a State police force or establish the precedent of leaving the State absolutely helpless, for we are not permitted to create independent militia and can not reach the National Guard requirements. Which course will we pursue?

Inasmuch as the Legislature passed a joint resolution requesting that I embrace the Primary Election Law in the call, I felt obliged to do it, but I most respectfully say I believe it to be a mistake to consider that question at this time. Consideration of the foregoing questions should have been without complications which are almost certain to come if you consider legislation of a political character. The two dominant parties declared for a state-wide Primary in their party platforms. The Legislature enacted such a law. It is true there is dissatisfaction with it but the sentiment in favor of abandoning it is not by any means unanimous. There has been no reversal of party declarations and consideration of a measure to repeal it is certain to bring about discussions and perhaps divisions that may interfere with an unbiased consideration of the other matters.

I was compelled to veto House Bill No. 123 as the levy therein provided exceeded the Constitutional limitation of ninety-five cents on the one hundred dollars valuation. Killing this measure leaves many of the magisterial districts in a situation where they can not take care of their Class "B" roads, as a result of legislation enacted at the Regular Session. In order that this may be corrected, I have included the subject matter in the call.

I was asked by the Department of the Interior to provide for the passage of a Joint Resolution which would authorize the appointment of a Commission to co-operate with that Department in carrying out its proposed Soldiers' Land and Settlement Project. It was not expected nor desired that the State should acquire land or expend any money in this work, further than that the State create a proper Commission to co-operate with and aid the Federal Government in getting information relative to possibilities of undertaking one of its projects in West Virginia and to assist in the event such project is undertaken. At the time the request was made it was anticipated Congress would pass the Bill then pending. This it failed to do, but inasmuch as a Special Session of Congress will be called soon and as the Bill may then become a law, provision might well be made for State co-operation to the extent and in the way indicated.

In view of the Federal Government's effort to Americanize the foreign-born residents in this country, and in view of the attempts of emissaries from other States and sections to create unrest among those in our State and the desirability of counteracting such propaganda and of doing everything possible not only to teach all aliens among us the English language, but, likewise, to thoroughly Americanize them and make them feel at home among us, I believe it is not only opportune, but highly desirable that some such work be undertaken by the State, in conjunction with the Federal Government, if possible. I have, therefore, made provision in the seventh paragraph of the call for a Joint Resolution or for the enactment of a measure, if you deem proper, which will extend the life of the State Council of Defense and permit it to undertake that work, if, in its judgment, it is desirable, as well as to co-operate with county and community councils in finding employment for returning soldiers.

I felt compelled to veto the act increasing the salary of Circuit Judges to \$5,000.00 per annum. I did this principally for the reason that the act allowing and making mandatory, in some instances, the payment of special compensation to Circuit Judges, was not repealed. To have allowed it to stand would have given a number of judges

residing in the larger counties, a salary which would have ranged from \$6,700.00 to \$7,200.00. Thus would some salaries have been excessive as well as the salaries unequal. The increase, \$1,700.00, more than 50%, was larger than public opinion will justify, notwithstanding it is recognized generally that the present salary is too low. Many members of the Legislature having appealed to me to provide in the call for further consideration of this matter, I have done so, in view of the fact no principle is involved, rather a question of detail, and in view of the further fact that the veto was filed after the Legislature had adjourned.

I was urged by a score of members to include numerous other matters in the call, some of which involved measures that failed at the Regular Session. Similar requests came from a great many outside persons and sources. Had I included all of them, they would have composed a program that would have kept you here many weeks. To include a part and not all of them would lead to a feeling that those whose propositions were left out had been discriminated against. The obvious thing, therefore, was to leave out all of them. This I did, except that in Grant District, Wetzel County, I am advised there are two school buildings partly complete and which can not be finished without an enabling act that will permit the District to provide the necessary funds. If these buildings were allowed to stand in their present unfinished condition for two years, not only would the people be without the use of them, but the buildings would deteriorate and be greatly damaged. I could not, therefore, under the circumstances, see my way clear to reject the request and ask you to give the people of that District the relief which they are seeking.

I hope that this Special Session will be characterized by the same good feeling that prevailed at the Regular Session and am confident the desire to meet all questions arising in the same patriotic spirit as at the Regular Session will be manifest.

Respectfully submitted,

JNO. J. CORNWELL, *Governor.*

On motion of Mr. Houvouras, the message of the governor was received and ordered printed in the Journal.

On motion for leave, the following bills were introduced:

By Mr. John:

House Bill No. 1—"A Bill continuing the executive and advisory state councils of defense as 'Americanization, reconstruction and de-

velopment councils of West Virginia,' and prescribing the powers and duties thereof."

Referred to the Committee on the Judiciary.

On motion of Mr. John, the bill was ordered printed by the House. By Mr. Lantz:

House Bill No. 2—"A Bill authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings, in said district."

On motion of Mr. Lantz, reference of the bill to a committee was dispensed with, and ordered printed by the House.

By Mr. John:

House Bill No. 3—"A Bill to raise additional revenue for payment of the debt of West Virginia to Virginia and for other purposes, by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

Referred to the Committee on Taxation and Finance.

On motion of Mr. John, the bill was ordered printed by the House.

Mr. Kuykendall offered the following resolution:

Resolved, That the Speaker be and is hereby empowered to appoint a committee of three to prepare a bill or bills relating to salaries of circuit court judges.

On motion of the same gentleman, the resolution was taken up for immediate consideration and adopted.

Whereupon,

The Speaker named as such committee, Messrs. Kuykendall, John and Swisher.

On motion of Mr. McClintic, the House adjourned until Thursday morning, March 13, at 10 o'clock.

.....
Speaker of the House of Delegates.

.....
Clerk of the House of Delegates.

THURSDAY, MARCH 13, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of Tuesday, March 11th,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Mr. McClintic, from the Committee on Rules, offered the following resolutions:

Resolved, That the Speaker of the House of Delegates be, and he is hereby, authorized to appoint for the House of Delegates at this Extraordinary Session,

One mailing and banking page.

Four floor pages.

One stenographer to the Speaker.

Six stenographers, to be paid \$6.00 per day.

Five Journal pages, as follows: John Hoffman Goshorn, Hugh Sterling, Ira Maynor, Thomas Reed and Hugh Hartinger, and other attaches, each to be paid at the same rate per diem as was received at the Regular Session, one thousand nine hundred and nineteen, as follows:

One assistant door keeper.

One gallery door keeper.

One assistant sergeant-at-arms.

One clerk to sergeant-at-arms,

and the same cloak room and toilet room keepers as were employed at the last regular session.

Be it further Resolved, That the stenographers to the House occupy such place or places as designated by the Speaker, and that each of the aforesaid attaches shall report to the sergeant-at-arms at 9:00 o'clock each morning during the session, and that the sergeant-at-arms shall keep an accurate register or list showing the presence or absence of each of said attaches.

Be it further Resolved, That no other appointments shall be made during this session of the legislature, unless the necessity thereof is first passed upon and reported by the Committee on Rules and all resolutions offered in connection with any appointments or the increase in wages of any officers or attaches of the House of Delegates shall be referred to the Committee on Rules.

Resolved, That the Clerk of the House of Delegates be, and he is hereby authorized to appoint for this Extraordinary Session, in addition to the assistants allowed him by law, the following:

Two desk or minute clerks.

One supervisor of printing.

One bill editor.

One Journal editor.

Two printing clerks.

Two copy holders.

Two bill record clerks.

One reading clerk.

One stenographer.

One clerk to Committee on Enrolled Bills.

One page to the Clerk.

To be paid at the same rate per diem as was received at the regular session, one thousand nine hundred and nineteen.

On motion of Mr. McClintic, the resolutions were taken up for immediate consideration, read by the Clerk and adopted.

Mr. Twyman gave notice that he would, on tomorrow, move to amend the rules of the House.

Mr. Pettigrew offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 1.

"Authorizing the Auditor to issue warrants for mileage and per diem of members, officers and attaches of the legislature."

Resolved by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer in advance of the passage of the legislative appropriation bill, for such amounts as are, or may become due to the several members, officers and attaches of the Senate and House of Delegates, for the per diem and mileage of the members and per diem of attaches, upon the proper requisition of the Clerk of the Senate and the sergeant-at-arms of the House, respectively.

On motion of the same gentleman, the resolution was taken up for immediate consideration, read by the Clerk and adopted.

Ordered, That Mr. Pettigrew communicate to the Senate the adoption of the resolution (H. C. R. No. 1), and ask concurrence therein.

Mr. McVey offered the following resolution:

Resolved, That the sergeant-at-arms be, and he is hereby authorized and directed to issue his warrants for the per diem and mileage that may be due the members of the House of Delegates and the per diem that may be due to officers and attaches of the House.

Resolved, further, That the list of mileage ascertained and reported January 15th, 1919, regular session, by the Committee on Elections, be, and the same is hereby adopted as the list of mileage to be paid the members for this extraordinary session.

On motion of the same gentleman, the resolution was taken up for immediate consideration, read by the Clerk and adopted.

Mr. John offered the following resolution:

A resolution providing for the safe and permanent keeping of legislative records.

WHEREAS, There are no facilities for the systematic operation of the business of the clerk of the House of Delegates of the legislature for the filing and preserving of its records and documents, and

WHEREAS, The Clerk of the House of Delegates, by virtue of his office, is keeper of the rolls and other permanent records of the legislative acts and proceedings of the state, and is responsible for the safe and proper care of same during the sessions of the legislature and thereafter as the permanent record of the legislative acts of the state, and

WHEREAS, it is important and necessary that the bills and other papers be properly filed and securely and safely kept during the sessions of the legislature and that the rolls and permanent records of the legislative acts and proceedings of the legislature be protected from alterations, mutilations or loss and preserved for use and reference in case of litigation or other controversy relating to the acts and proceedings of the legislature; therefore be it

Resolved by the House of Delegates, That the Clerk of the House of Delegates be, and he is hereby directed, to procure and have installed in the Clerk's office, steel filing cases, of sufficient capacity and of suitable design, with means of securely locking the same, to care for the records in his keeping; and the auditor is hereby authorized and directed to pay for said equipment out of the contingent fund of the House of Delegates upon proper warrant signed by the Clerk of the House, in a sum not to exceed twenty-five hundred dollars.

On motion of Mr. Hays, the resolution was referred to the Committee on Taxation and Finance.

Mr. Wylson offered the following resolution:

HOUSE CONCURRENT RESOLUTION NO. 2—WHEREAS, the league of nations proposed at the peace conference now sitting in Paris shall be considered by the Senate of the United States before it is binding upon this country, and

WHEREAS, if the United States should become a member of the proposed league of nations such membership will be permanent, and it would be an act of desperation to undertake to break the treaty or extricate ourselves from its membership; and

WHEREAS, as a member of said proposed international league nothing could be done to protect American rights, safeguard American property or maintain American identity anywhere in the world without the expressed consent and permission of said league of nations, thus trampling the Magna Charta rending the Declaration of Independence, destroying the American constitution, violating the Monroe doctrine, setting aside the American Bill of Rights and smiting the Goddess of Liberty, which would enthrone the rule of might and deliver the United States into the hands and control of an international autocracy; and

WHEREAS, the said proposed league of nations takes from the American people the privileges of independent commercial relation with all the nations of the world, abrogating the power to make trade relation agreements, to enact appropriate tariff laws and preclude all other treaty making prerogatives; therefore, be it

Resolved by the House of Delegates, the Senate concurring, That it is better for the American people to advance upon the highways of America's traditional policy that was formulated after years of serious thought, matured experience and fervent consultation by that wonderful company of constructive statesmen who laid the foundation of the American nation, and never to lose sight of that galaxy of immortal patriots and men of vision and wisdom, namely: Washington, Hamilton, Jefferson, Adams, Madison, Monroe, Marshall and others. This is the faith of our fathers and by that faith we should ever abide. Let the American nation remain the supreme love of our hearts, the highest object of our efforts, and with a freed hand and unmanacled foot march steadily on toward that destiny, which by reason of its place on the globe and its institutions of freedom—those emblems of the liberty of men so indelibly emblazoned on the glaring firmament of truth that will shine forever and illuminate the path of righteous humanity and point the way to usefulness for all people.

Resolved, That a copy of this resolution be sent to each of the United States Senators from West Virginia.

Which, under the rules, lies over one day.

Mr. McClintic, from the Joint Committee on State Police, submitted the following report:

To the Senate and House of Delegates of West Virginia:

The joint committee appointed by the President of the Senate and Speaker of the House of Delegates, and composed of five members of the Senate and five members of the House of Delegates, under House Concurrent Resolution No. 15, were called to meet at Charleston on Tuesday, the fourth day of March, 1919.

There were present: Messrs. Kump, McClintic, McVey, Scherr, Thurmond, Twyman and Hough—7.

The other members, to-wit, Messrs. Hunter, Stewart and Stover, were detained by important matters or illness in their respective families, and arrived later.

The resolution under which the committee was formed is as follows, to wit:

HOUSE CONCURRENT RESOLUTION No. 15.

“Relating to the question of state police.”

Mr. Hough, from the Joint Committee on State Police, submitted

Resolved, by the House of Delegates, the Senate concurring, That Honorable Jno. J. Cornwell, governor of West Virginia, be and he is hereby requested to include the question of state police protection in his call for the extra session of the legislature shortly to be issued by him; and

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

At its first meeting, the committee organized by the election of Honorable Elmer Hough as chairman of the joint committee and Mr. M. J. Malamphy, Jr., as secretary.

The committee considered the question of state police, and upon such consideration the committee examined the first annual report of state police of the state of New York and the reports, as far as they were obtainable, of the department of state police of the state of Pennsylvania, and also considered copies of the acts of the legislatures of those states and the re-engrossed Senate Bill No. 189 as the same

passed the Senate of West Virginia on the nineteenth day of February, 1919. The committee also examined an act of congress, entitled, "An act for making further and more effectual provision for the national defense, and for other purposes." Approved June 3, 1916. The committee also had before it the letter from the acting superintendent of the Pennsylvania state police, addressed to the chairman, in answer to an inquiry from the chairman, which letter is dated February 25, 1919.

After discussion for some days, the committee had prepared the form of a bill on the question of state police. This form was discussed and amended in some respects, and your committee respectfully submits this amended form for your consideration.

This committee caused notice to be given through the newspapers that it would hold a public hearing in the hall of the House of Delegates on Saturday, the eighth day of March, beginning at the hour of 10 o'clock, A. M. The only person that appeared at such time was Major Roy Evans, formerly a member of the Pennsylvania state police, and who is now a citizen of West Virginia and was late a major in the United States army. He addressed the committee at some length in favor of the state police system and answered many questions relative to the system. These questions were asked by members of the committee and by others present at the hearing.

Your committee had a request from the Ohio Valley Trades and Labor Assembly for a public hearing on Wednesday evening at 8 o'clock, March twelfth, before the legislature, and your committee answered the request by a telegram as follows:

"Charleston, W. Va., March 8, 1919.

Ohio Valley Trades and Labor Assembly,

Care Louis Leonard, President,

Wheeling, W. Va.

Wire received. This committee will request the legislature when it meets Tuesday to fix Wednesday night for a public hearing as requested by you.

ELMER HOUGH,

Chairman Joint Committee."

Such hearing was had as requested.

At the request of the chairman of the committee, Captain L. S. Pitcher, acting deputy superintendent of the Pennsylvania state police department, appeared before the committee and gave the committee

information concerning the Pennsylvania department and discussed the matter with the committee at length.

Your committee considered the question of the organization of a national guard unit. The act of congress above referred to makes provision for the organization of such national guard units and specifically provides that such units could be organized only in the way and method therein set out. Section 62 provided that the number of enlisted men of the national guard to be organized under such act within one year from its passage, should be for each state in the proportion of 200 men for each senator and representative in congress from such state, and should be increased each year thereafter in the proportion of not less than 50 per centum until a total peace strength of not less than 800 enlisted men for each senator and representative in congress should have been reached.

Section 61 of said act is as follows: "No state shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this act; *provided, further*, that nothing contained in this act shall be construed as limiting the rights of the states and territories in the use of the national guard within their respective borders in time of peace; *provided, further*, that nothing contained in this act shall prevent the organization and maintenance of state police or constabulary."

Your committee was informed that the war department had stated to His Excellency, Governor, Jno. J. Cornwell, that no provision of this act could be waived and that if a national guard unit was now organized in West Virginia the minimum number of men would be 450 for each senator and member of the House of Representatives, and that would now make 3,600 men, and this number would have to be annually increased until a total strength of 800 men for each senator and representative had been enlisted, making a total of 6,400 men in the state of West Virginia.

Under this act, and the information received, the committee is of opinion that it is impossible at this time to comply with the law and organize a national guard unit of any kind.

Your committee respectfully returns herewith the first annual report of state police of the state of New York, the annual report of the department of state police of the state of Pennsylvania for the year 1917 and the copy of the letter of February 25, 1919, addressed to the chairman by the acting superintendent of the Pennsylvania police and the committee recommends that the New York state report and pages

5, 6, 7, 8, 9 and 10 of the Pennsylvania state report and the letter be printed as a part of this report for the information of the members of the legislature.

Your committee is of opinion that a system of state police is at present the only feasible method for the purpose of affording protection to the citizens of the state, and recommends the passage of the proposed act returned herewith, substantially in the form in which the same is written.

ELMER HOUGH,
Chairman Joint Committee.

APPENDA.

January 1, 1919.

To His Excellency, the HONORABLE ALFRED E. SMITH, Governor of New York, Albany, N. Y.:

SIR:—This is the first annual report of the Department of State Police.

FORMATION.

Immediately after his appointment on May 2, 1917, the superintendent visited and studied the Royal Northwestern Police of Canada, and the State Constabulary of Pennsylvania, to form a basis for organization.

The first examination of applicants was held on June 11, 1917, in the Assembly chamber of the capitol. A physical examination, similar to that of the United States army, a mental examination and a memory test were given. The State Civil Service Commission assisted in the mental examinations. The results to date are given below:

Date of examination	Application	Appeared for	Failed		Passed
	filed	examination	Phy.	Mental	
June 11, 1917.....	1,592	420	146	106	168
July 2, 1917.....	825	542	276	204	63
Oct. 8, 1917.....	730	108	28	40	41
April 25, 1918.....	420	251	58	148	45
	3,567	1,322	508	498	316

Fifty-one of these men were in the federal service, and by authority of the Secretary of War a special order was issued discharging them to this department "in the interest of public service." After the Selective Draft Act went into effect no new members who were within the draft age, 21 to 31, were accepted, and, later, only those in Class 2 or 3 were admitted.

TRAINING.

For training, a place centrally located with pasturage, good water, buildings, a range, and railroad facilities was necessary. Troop D Farm at Manlius, New York, the former home of Troop D, First New York Cavalry, N. G., N. Y., filled the requirements and was rented for \$250 for three months. Here actual instruction was started on June 20, 1917.

The camp was a military one and instruction was given in infantry and cavalry drill, revolver and rifle practice, care of horses, police practice and court procedure.

All of the officers were either ex-army or ex-guardsmen, and drill and rifle practice were under their supervision.

Lectures on a policeman's work from a legal standpoint were given by Judge Alton B. Parker, Judge Ben V. Shove, and Deputy Attorney-General Edward G. Griffin.

The police instruction was augmented by lectures from Inspector Cornelius F. Calahane, who was then in charge of the New York City Police School.

Non-commissioned officers were not selected until the end of the training period, so that those who showed the most ability could be rewarded.

The training period ended on September 5, 1917, when the troopers moved to Syracuse to police the State Fair, this being their first actual service. This duty had been in previous years performed by about 100 members of the mounted New York city police, and cost the State about \$5,000.

ORGANIZATION.

The original appointments of the superintendent were:

Deputy Superintendent, Capt. P. E. Barbour, 22d Engineers.

Captain, Troop A, Capt. Willis Linn, 1st N. Y. Amb. Co.

Lieutenant, Troop A, John A. Warner, 1st N. Y. Cav.

Captain, Troop G, H. G. Rosboro, 1st N. Y. Cav.

Lieutenant, Troop D, J. F. S. Meachem, 1st N. Y. Cav.

Captain, Troop, H. G. Rosboro, 1st, N. Y. Cav.

Lieutenant, Troop G, A. H. Gleason, 1st N. Y. Cav.

Captain, Troop, K. R. D. Richman, 1st N. Y. Amb. Co.

Lieutenant, Troop K, H. H. Starks, 1st N. Y. Cav.

A number of these men are no longer in this department. Four of them are in service in France, and one is in service in this country, and another is manufacturing war munitions.

Headquarters are in Room 100, Capitol Building, Albany, at which place the superintendent, deputy, clerk and two stenographers are located.

The total strength of the force allowed by law is 237 officers and men, divided into 4 troops of 2 officers and 56 troopers each.

Each troop consists of a

Captain, at \$1,800 per year.

Lieutenant, at \$1,500 per year.

First Sergeant, at \$1,200 per year.

Four Duty Sergeants, at \$1,100 per year.

Four Corporals, at \$950 per year.

One blacksmith, at \$950 per year.

One saddler, at \$950 per year.

Forty-five privates, at \$900 per year.

The present officers are:

Geo. P. Dutton, Deputy Superintendent.
Willis Linn, Captain, Troop A.
George F. Chrisman, Lieutenant, Troop A.
H. H. Barnes, Captain, Troop D.
Geo. W. Carner, Lieutenant, Troop D.
W. W. Robinson, Captain, Troop G.
J. C. Jones, Lieutenant, Troop G.
John A. Warner, Captain, Troop K.
John F. Walton, Lieutenant, Troop K.

The problem of policing this great State with so small a force resolved itself into a military one along the lines prescribed in outpost duty.

The State was divided into four zones and each troop or support was charged with the maintenance of law and order in its own sector.

TROOP A.

Troop A, under Captain Linn, is located in Batavia, Genesee county, and is quartered in a former skating rink which was remodeled into a barracks by the Batavia Chamber of Commerce from whom it is rented.

This troop covers the western portion of the State.

TROOP D.

Troop D, under Captain Barnes, is located in Onondaga Valley, about four miles south of Syracuse in what was formerly the Valley House. New barracks for this troop are now being built near Oneida by the Oneida Chamber of Commerce along lines suggested by the superintendent. It is expected that these barracks will be ready for use about March 1, 1919. This troop polices the central section of the State.

TROOP G.

Troop G, under Captain Robinson, is located on the Flynn estate, about four miles west of Albany on the Schenectady road, and covers the north-eastern section of the State.

TROOP K.

Troop K, under Captain Warner, is located on the Gedney farm estate in Westchester county, about three miles from White Plains. This troop polices the southeastern section of the State and Long Island.

MILITARY AND POLICE INSTRUCTION.

Each barracks is conducted on military lines. About one-quarter of the force is always in barracks while the rest are on patrol. This is arranged by roster, so that all serve equal periods of time on the road or on barrack duty. Among those at troop station drills of one hour each are held daily. Instruction in police practice, court procedure, reading of Penal Law, etc., takes place every day between 1 and 2 p. m. Written papers are also turned in and reports of special cases made by the men concerned for the benefit of the class.

HORSES.

Through the courtesy of Colonel Drage of the Canadian Remount Commission, the superintendent was allowed to select the mounts from some 2,000 horses which the British Remount Commission had collected at Lathrop, Mo., for the English Army. The horses were purchased for \$150 per head. They have stood up wonderfully well, some of them having been on continuous patrols of more than six weeks at a time with a daily average of twenty to twenty-five miles.

We are now co-operating with the Army Horse Association and the American Jockey Club to improve the breed of cavalry mounts. The latter association has placed high-class studs at each of our barracks and we already have a number of mares in foal. Farmers may also take advantage of this opportunity to obtain high-class breeding at a very nominal cost. It is not expected that the department will have to buy any more mounts, as it will hereafter breed its own.

The acquisition of three motor cycles per troop and some Ford equipment for hurried calls has allowed the disposal of a number of horses. Several high-class animals have been presented to us.

STATEMENT IN DETAIL.

	Bought.	Presented.	By			Killed.	Sold.
			Breeding.	Loaned.			
A	61	0	0	1		1	10
D	60	2	0	1		3	10
G	63	3	1	1		0	22
K	60	6	1	2		3	11

ARMS AND EQUIPMENT.

Each man is supplied with a Colt .45 revolver and a Winchester carbine rifle. The rifle is not carried except on special cases in mountainous districts, McClelland saddle is used. Office furniture, bedding equipment, etc., was purchased from the Prison Department.

METHODS OF PATROL WORK.

Patrols are always made in pairs, based on the Italian system, thus presenting a double barrier to any person trying to escape. Regular routes are laid out, but it is of course not always possible to follow the schedule. However, reports are made daily showing where patrols expect to be 24 hours and 48 hours from time of writing, and in addition to this they are constantly in touch with the barracks by telephone. In this way complaints to troop headquarters can be handled without delay.

Patrols average about 20 to 25 miles per day, unless detained by court cases or other work. The number of miles covered is also sometimes contingent upon suitable accommodations. So many small hotels have gone out of business that it is not always possible to get quarters for both man and horse. We are now working up a list of farmers who will take care of our men.

SUBSTATIONS.

In addition to our road patrols numerous substations have been established in charge of a non-commissioned officer and one or two men. Through these stations troop headquarters can locate the men and in this way many hurry calls are taken care of. These posts are not permanent and men are frequently changed, as it has proved that a man will do better where he is not too well known.

CO-OPERATION WITH STATE AND LOCAL DEPARTMENT.

Department of Education.—With this department we have launched a campaign of education for children on rules of the road. "Safety First." and "Obedience to Law and Order."

Dental Board.—We have apprehended and brought to justice a number of illegal dental practitioners.

Prison Department.—Every possible assistance has been given in capturing escaped prisoners from State institutions such as the Hudson Training School, the Berkshire Industrial Farm, and State prisons.

Agricultural Department.—We have aided in enforcing the quarantine against rabies. The sheep industry has been markedly benefited by a campaign against sheep-killing dogs in many parts of the State.

Conservation Commission.—Co-operation with this commission in the enforcement of the fish and game laws, removing squatters and in fighting forest fires has been frequent.

Highway Department.—Roads and bridges in bad condition have been immediately reported and temporary repairs made, if possible. Stolen road equipment has also been located.

Department of Health.—We have assisted in enforcing quarantine laws on Indian reservations and investigated numbers of charitable cases. During the recent epidemic of influenza the troopers aided in quarantined towns and villages by assisting medical men, working in hospitals and helping the local board of health enforce their closing orders on saloons and other public places.

The district attorney and other local officials have been assisted in hundreds of excise and gambling violations. Much work has also been done for private organizations, such as the humane and charitable societies.

Secretary of State.—Automobile Bureau.—Much important work has been done with the Secretary of State's office on violations of the Motor Vehicle Law, and it has been authoritatively stated that were it not for the existence of the Department of State Police a force of at least a hundred automobile inspectors would have had to be appointed.

It is an admitted fact that State roads have been made much safer since the patrolling of the country districts, as, for example, the Niagara Falls boulevard and Albany-Schenectady road which have been made safe for travel. Accidents in the first part of 1918, outside of the city of New York, were reduced 64 per cent. over the same period in 1917, in spite of an increase of 80,000 cars.

The Secretary of State's office is authority for the statement that between \$300,000 and \$400,000 a year is being added to the State's revenue.

due to the activity of this force in rounding up those who try to avoid payment of the automobile license tax. In this one respect alone, therefore, the work of the organization is returning to the State in actual money an amount equal to about two-thirds of its yearly cost.

WAR WORK.

This department has conducted a great many investigations in conjunction with the Military Intelligence Bureau of the United States army, the Naval Intelligence Bureau, Department of Justice, local draft boards and the Home Service of the Red Cross.

A number of deserters have been captured and the \$50 received in each case has been turned over to the State Treasurer.

At the solicitation of the authorities at West Point, the troopers have cleaned up an unwholesome situation there that the army has been unable to cope with for years. Also, at the request of army officials it has taken care of bad conditions near the Plattsburg camp and around Buffalo and Niagara Falls.

A number of wireless stations have been located, some in working order. For our good work along this line the government has presented the department with one of the wireless outfits to be used in our own work.

FINANCES.

Of the sum of \$695,280, appropriated to run this department for the year ending June 30, 1919, over \$150,000 will be saved; this in spite of the high cost of all kinds of equipment.

When it is considered that the troopers are directly responsible for bringing in thousands of dollars into the State treasury, the actual cost of this force is reduced to a very low figure.

A table follows showing the revenue thus acquired, the largest item being for money received by the Secretary of State from people running cars without any license, or with old licenses, or doing an omnibus business on pleasure car plates. Newly purchased cars are not figured in this item. In addition to the money received by the State, many towns and counties have also benefited by fines imposed through the activities of the troopers.

Appropriation	\$695,280.00
Receipts:	
To Automobile Bureau.....	\$350,000.00
Saved in policing the State Fair.....	5,000.00
Saved on appropriation	150,000.00
Sale of equipment.....	3,687.77
Fines	30,489.74
	<hr/>
	\$539,177.51

From the above it will be seen that there is returned to the State a sum equal to 76 per cent of the cost of the department.

TROOPERS' PAY.

We have not asked for any increased wages for enlisted men, but hope to have a schedule adopted whereby increases in pay will be based upon re-enlistments; in other words, the longer a man remains in the service the more money he will get. Experience is a particularly desirable asset in the police game and everything possible should be done to hold good men in the department.

The health of the force has been unusual. Several troopers have suffered with horse kicks and other minor injuries, and one trooper was scratched by a bullet while pursuing a murderer. One man died in the service.

GENERAL.

A successful police force should be a popular one, giving the maximum protection with the minimum of interference with the lawful rights of a citizen.

Police is necessary to civilization, and if cities need police protection, then certainly do rural communities. The ideals of this department are high and the work is becoming more accurate with experience and broader in scope.

Thanks are due the city police departments, district attorneys and the sheriffs, who in the majority of instances have been eager to help and unfailing in their support.

A table of crimes is herewith appended; also statements of miles of road patrolled, towns visited, etc.

GEORGE F. CHANDLER, M. D.,

Superintendent.

RECORD OF ARRESTS.

Kind of crime	Number of arrests	Number of convictions
Abandonment of family.....	8	1
Abortion	1	.....
Adultery	5	2
Agricultural Law, violation of.....	83	81
Alien enemies.....	3	3
Arson	3	1
Assault, felonious	37	21
Assault, simple	62	45
Attempted rape	2	.....
Attempted suicide	2	2
Breach of peace.....	7	6
Burglary	58	14
Chicken stealing	1	1
Cock-fight, conducting	63	63
Cruelty to animals.....	21	17
Dangerous and concealed weapons, carrying.....	25	21
Deserters, U. S. army.....	15	15
Deserters, N. Y. Guard.....	2	2
Disorderly conduct	88	85
Disorderly house, keeping.....	22	6

Kind of crime	Number of arrests	Number of convictions
Disorderly person	127	80
Draft and Registration Law, violation of.....	48	39
Drunk and disorderly.....	15	12
Education Law violations.....	1	1
Escaped insane asylum inmate.....	6	6
Espionage Law, violation of	8	4
Gambler, common	136	129
Gambling device, keeping.....	9	9
Gambling house, keeping	2	.....
Game Law violations	6	6
Habitual criminal	1	1
Highway Law, violations of.....	155	142
Horse stealing	1	1
Indecent exposure.....	4	4
Incorrigible child	1	1
Impersonating an officer.....	2	2
Interfering with officers.....	2	2
Juvenile delinquency	49	48
Kidnapping	4	4
Larceny, grand	69	32
Larceny, petit	164	118
Lottery	17	17
Malicious mischief	35	31
Mailing obscene literature	1	.....
Material witness	5	5
Motor Vehicle Law, violations of.....	1,805	1,688
Murder	2	2
Nonsupport	5	3
Peddling junk wjthout license.....	8	7
Practicing dentistry without license.....	5	.....
Prostitution	3	3
Public intoxication	181	163
Public nuisance	9	5
Rape	13	4
Receiving stolen goods.....	18	11
Robbery, highway	5	2
Stealing mail from United States rural mail box.....	1	.....
Sedition	1	.....
Stolen property in possession.....	1	1
Sodomy	2	1
Threat to kill.....	3	3
Trespassing	9	9
Trespassing on railroad property (government).....	13	11
Unlawful entry	6	4
Vagrancy	64	54
Violations of Liquor Tax Law (excise).....	147	54
	3,750	3,166
Total number of arrests.....	3,750	100%
Total number of convictions.....	3,166	84%
Cases pending	374	10%
Discharged cases.....	210	6%

From the above it will be seen that 84 per cent. of those arrested were convicted; 10 per cent. of the cases are still pending, and but 6 per cent. resulted in actual discharge.

STATEMENT OF MILES PATROLED.

Mounted patrols	333,039
Motorcycle and automobile, etc.	433,239
	<hr/>
Total miles of road patrolled.....	766,278
	<hr/>
Number of towns visited.....	22,995
Investigations without arrests.....	4,336

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE POLICE.

Turned into State Treasury from January 1 to December 31, 1917.

Forfeitures for Breach of Discipline and Resignation.....	\$ 972.02
Sale of Condemned and Lost Property, etc.....	633.59
Fines, Costs, etc.	1,000.50
Interest	124.83
	<hr/>
Total	\$2,730.94

SYNOPSIS OF DUTY PERFORMED, PERSONNEL OF FORCE, ETC.,
DURING YEAR 1917.

Miles traveled by patrols	857,384
Number of counties operated in	67
Number of towns operated in in State.....	2,535
Number of substations established.....	67
Number of arrests made by substations.....	3,864
Number of counties in which substations were established.....	39
Number of details furnished for special public occasions.....	96
Number of men entering Military Service under Act 201, P. L. 1917	24
Number of men leaving Force to accept better paying positions	41
Number of men leaving Force at expiration of enlistment.....	2
Number of men leaving Force by discharge, Summary Court or getting married	36
Number of men discharged during probationary period.....	27
Number of men leaving Force by reason of death.....	1
Number of men leaving Force by desertion.....	4
	<hr/>
Total	135

Total fines collected by Game Commission on arrests made by the
State Police.....\$2,460.00

Total fines collected by Fish Commission on arrests made by the
State Police 900.00

**SUMMARY OF ARRESTS MADE BY THE PENNSYLVANIA STATE
POLICE FORCE DURING YEAR OF 1917, JANUARY 1ST
TO DECEMBER 31ST, INCLUSIVE.**

CHARGES	Arrests	Convictions	Discharges	Awaiting Trial
Abandoning infant child.....	1	1	.....	.....
Abduction.....	4	1	1	2
Abortion.....	1	.....	.....	1
Absconding witness.....	3	.....	2	1
Accessory to the crime.....	12	.....	6	2
Adultery.....	21	10	10	1
Aggravated assault and battery.....	85	39	32	14
Alien enemy.....	2	.....	1	1
Arson.....	16	2	7	7
Assault and battery.....	332	264	40	28
Attempt to kill.....	60	32	13	15
Barbary.....	1	1	.....	.....
Bigamy.....	1	1	.....	.....
Blackmail.....	6	6	.....	.....
Breaking and entering.....	107	71	18	18
Burglary.....	46	26	11	9
Carrying concealed deadly weapons...	50	41	7	11
Conspiracy.....	13	.....	4	9
Contempt of court.....	2	2	.....	.....
Counterfeiting.....	1	1	.....	.....
Cruelty to animals.....	19	17	1	1
Cruelty to children.....	3	2	1	.....
Defrauding boarding housekeeper.....	4	4	.....	.....
Desecration of American flag.....	11	2	9	.....
Desecration of the Sabbath.....	13	13	.....	.....
Deserter United States service.....	2	2	.....	.....
Desertion and non-support.....	45	5	6	4
Discharging firearms.....	4	3	1	.....
Disorderly conduct.....	738	614	91	33
Drunk and disorderly.....	190	184	4	2
Dynamiting.....	4	.....	4	.....
Embezzlement.....	7	5	1	1
Enticing female.....	1	1	.....	.....
Escaped prisoner.....	7	7	.....	.....
Extortion.....	5	1	.....	4
Felonious assault and battery.....	15	7	2	6
Felonious wounding.....	17	6	10	1
Felonious wounding.....	17	6	10	4
Forcible detainer.....	1	1	.....	.....
Forcible entry.....	2	2	.....	.....
Forgery.....	8	4	4	.....
Fornication and bastardy.....	45	28	6	11
Fraud and false pretense.....	18	14	3	1
Frequenting disorderly house.....	48	22	26	.....
Fugitive from justice.....	4	3	.....	1
Gambling.....	176	165	7	4
Highway robbery.....	15	6	5	4
Horse stealing.....	8	3	.....	5
House breaking.....	4	4	.....	.....
Illegal car riding.....	4	4	.....	.....
Illegal possession of firearms.....	42	42	.....	.....
Impersonating an officer.....	9	5	3	1
Incest.....	2	1	1	.....
Incorrigibility.....	18	14	3	1
Indecent exposure.....	3	2	.....	1
Inmate bawdy house.....	29	21	7	1
Inmate disorderly house.....	7	7	.....	.....
Insanity.....	20	20	.....	1
Interfering with an officer.....	18	14	3	1
Keeping a bawdy house.....	17	13	3	1
Keeping a disorderly house.....	4	4	.....	.....
Keeping a gambling house.....	2	2	.....	.....
Larceny.....	311	223	55	33
Larceny by bailee.....	7	5	1	1
Lewdness.....	3	3	.....	.....
Malignous mischief.....	138	101	19	18
Mayhem.....	1	1	.....	.....
Miscellaneous.....	1	.....	.....	1
Misdemeanor.....	11	11	.....	.....
Murder.....	55	18	18	19
Nuisance.....	3	2	.....	1
Pandering.....	13	8	4	1

**SUMMARY OF ARRESTS MADE BY THE PENNSYLVANIA STATE
POLICE FORCE DURING YEAR OF 1917, JANUARY 1ST TO
DECEMBER 31ST INCLUSIVE—Continued.**

CHARGES	Arrests	Convictions	Discharges	Awaiting Trial
Pickpocket	11	4	7	.....
Pointing firearms	14	10	2	.....
Rape	31	11	16	.....
Receiving stolen goods	20	9	5	.....
Reckless driving	5	5	.....	.....
Resisting arrest	3	3	.....	.....
Rioting	11	2	.....	.....
Robbery	15	3	7	.....
Runaway	3	2	1	.....
Seduction	2	.....	1	.....
Selling cigarettes to minors	1	1	.....	.....
Selling goods without a license	1	1	.....	.....
Sending threatening letters	2	2	.....	.....
Sodomy	4	2	1	.....
Surety of the peace	75	57	7	.....
Suspicious character	72	6	65	.....
Threats	5	5	.....	.....
Trespassing	88	79	8	.....
Unlawful assembly	3	.....	3	.....
Unlicensed gypsies	9	9	.....	.....
Vagrancy	35	34	.....	.....
Violation of auto laws	1,464	1,390	48	.....
Violation of election laws	3	.....	3	.....
Violation of federal draft laws	119	69	26	.....
Violation of fish laws	38	34	2	.....
Violation of forestry laws	6	6	.....	.....
Violation of food laws	3	1	2	.....
Violation of game laws	120	112	3	.....
Violation of liquor laws	129	75	18	.....
Violation of livery laws	2	2	.....	.....
Violation of mining laws	3	3	.....	.....
Violation of parole	1	1	.....	.....
Violation of quarantine laws	1	1	.....	.....
Violation of Sabbath laws	9	9	.....	.....
Violation of school laws	6	5	.....	.....
Witness	30	.....	16	.....
Totals	5,255	4,134	693	428

Number of requests received from persons of various occupations during the year 1917, by the Department of State Police.

Judges	30
Sheriffs	344
District Attorneys	345
Coroners	23
Agricultural Associations	100
County Commissioners	10
County Solicitors	10
County Detectives	166
Jail Wardens	8
Miscellaneous United States Officials	27
Members of Draft Boards	95
United States Department of Justice	251
United States Military Intelligence	29
Fourth Naval District	47

Postal Authorities	66
Congressmen	15
Governor	41
Lieutenant Governor	1
Attorney General	7
Adjutant General	2
Auditor General	4
Commissioner of Fisheries.....	25
Department of Agriculture.....	2
Department of Labor and Industry.....	1
Fire Marshal	19
Forestry Department	12
Game Commission	67
Health Department, State.....	23
State Highway Department	58
Commissioner of Banking	1
Public Service Commission.....	1
Committee on Public Safety.....	17
Miscellaneous State Officials.....	16
State Senators	43
Assemblymen	26
Superintendent Insane Asylum	17
Directors of Public Safety.....	4
Councilmen	20
Street Commissioners.....	2
Aldermen	91
Mayors and Burgesses.....	165
Chiefs of police.....	361
Policemen	206
Borough Secretary.....	2
Borough Solicitors	4
School Authorities.....	5
Justices of the Peace.....	585
Constables	301
Attorneys-at-law	103
Ministers	45
Citizens	2,924
Farmers	503
Miners	235
Total	7,505

TEN YEAR SUMMARY.

As each year many cases are shown "Awaiting Trial," owing to appeals, new trials granted, etc., it is impossible to show, at the end of any one year, an accurate percentage of convictions.

The following tabulation shows complete and final disposition of all arrests from December 15, 1905, to December 15, 1915, with a remarkably high per cent of convictions, indicating careful investigation before making arrests.

CHARGES	Arrests	Convictions	Discharges
Abduction	10	7	3
Abortion	5	4	1
Absconding witness	48	12	36
Accessory to the crime	92	46	46
Adultery	82	50	32
Aggravated assault and battery	641	447	194
Arson	89	50	39
Assault and battery	3,991	3,220	771
Attempt to kill	249	163	86
Bigamy	4	3	1
Blackmail	52	34	18
Breach of the peace	63	60	3
Breaking jail	16	12	4
Bribery	2	2	.....
Burglary	521	376	145
Carrying concealed deadly weapons	622	534	88
Cockfighting	38	36	2
Concealing death of bastard child	4	1	3
Conspiracy	213	91	122
Contempt of court	11	10	1
Counterfeiting	14	10	4
Cruelty to animals	162	133	29
Cruelty to children	11	9	2
Deserter, U. S. service	3	3	.....
Desertion and non-support	256	218	38
Discharging firearms	70	66	4
Disorderly conduct	3,927	3,680	247
Disorderly house	105	88	17
Disturbing public assembly	6	5	1
Disturbing religious assembly	3	3	.....
Drunk and disorderly	2,234	2,112	122
Dynamiting	32	18	14
Embezzlement	35	27	8
Enticing female	5	3	2
Escaped prisoner	6	6	.....
Extortion	6	3	3
Felonious assault and battery	272	217	55
Felonious poisoning	1	1	.....
Felonious shooting	89	66	23
Felonious use of dynamite	9	3	6
Felonious wounding	298	189	109
Forcible detainer	5	1	4
Forcible entry	14	7	7
Forgery	47	38	9
Fornication and bastardy	218	189	29
Fortune telling	1	1	.....
Fraud and false pretense	542	453	89
Fraudulent use of the mails	4	2	2
Frequenting disorderly house	25	20	5
Fugitive from justice	9	9	.....
Gambling	561	520	41
Highway robbery	139	79	60
Horse stealing	93	55	38
House breaking	173	136	37
Illegal car riding	133	122	11
Illegal traffic in drugs	3	3	.....
Impersonating an officer	23	20	3
Incest	6	1	5
Incorrigibility	52	45	7
Indecent exposure	80	71	9
Inmate disorderly house	237	204	33

Insanity	102	100	2
Interfering with an officer.....	167	139	37
Keeping bawdy house	19	19	.....
Keeping gambling house	1	1	.....
Kidnapping	7	3	4
Larceny	2,210	1,656	554
Larceny by bailee	7	7	.....
Larceny from person.....	.....	.....	.....
Lewdness	13	10	3
Malicious mischief	552	450	93
Mayhem	12	7	5
Miscellaneous	167	139	28
Misdemeanor	47	45	2
Murder	396	203	193
Nuisance	61	51	10
Pandering	9	7	2
Pauper	7	7	.....
Perjury	45	15	30
Pickpocket	12	7	5
Pointing firearms	51	40	11
Poisoning	3	1	2
Rape	225	139	86
Receiving stolen goods	161	110	51
Reckless driving	25	16	9
Resisting arrest.....	139	115	24
Rioting	563	336	227
Robbery	292	166	126
Runaway	28	26	2
Seduction	6	6	.....
Selling goods without license.....	64	61	3
Sending threatening letters.....	5	4	1
Slander	28	28	.....
Sodomy	8	4	4
Surety of the peace.....	599	512	87
Suspicious character	241	69	172
Threats	250	181	69
Trespassing	985	874	111
Trover	2	2	.....
Unlawful assembly	5	5	.....
Unlawful possession of firearms.....	244	231	13
Unlicensed gypsies	13	13	.....
Vagrancy	709	648	61
Violation of auto laws	281	262	19
Violation of bail	21	21	.....
Violation of borough ordinance.....	12	11	1
Violation of election laws	27	.....	27
Violation of fish laws.....	514	461	53
Violation of forestry laws.....	18	15	3
Violation of game laws.....	456	422	34
Violation of health laws	14	14	.....
Violation of immigration laws.....	9	9	.....
Violation of liquor laws	647	480	167
Violation of livery laws	40	38	2
Violation of medical laws	4	3	1
Violation of mining laws	20	20	.....
Violation of parole	10	9	1
Violation of postal laws.....	2	2	.....
Violation of quarantine laws.....	3	3	.....
Violation of revenue laws	1	1	.....
Violation of Sabbath laws.....	295	294	1
Violation of school laws	59	40	10
Violation of shipping laws	2	.....	2
Wife beating	2	1	1
Witness	90	56	34
Total	27,669	22,608	5,052

About 82% of above arrests resulted in convictions.

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE POLICE

HARRISBURG, PA.

February 25, 1919.

HON. ELMER HOUGH.

Wellsburg, W. Va.

DEAR SIR:

Your letter of February 24, requesting information on the Pennsylvania State Police, received.

Under separate cover, we are forwarding you two copies of Act of 1905, creating the Department of State Police, with amendments thereto of 1911 and 1917, in addition to which we are sending you copies of Annual Reports for 1916 and 1917, and copy of Supt. Groome's reply to The American Cossack, a careful reading of which will give you an idea of the numerous unfounded charges against this organization, made by leaders of organized labor in Pennsylvania.

The Pennsylvania State Police Force is composed of 330 officers and men, divided into four Troops and then sub-divided into sub-stations of two or three men throughout the Commonwealth.

The cost of operating the Force during the entire year of 1918 was, for operating expenses, \$169,324.09; for salaries \$344,156.93, making a total of \$513,481.02.

All members are constantly and thoroughly schooled in the rights, duties and limitations of authority of police officers in Pennsylvania, in addition to the game, fish, forestry, health, mining, criminal and other laws enforced.

With reference to other than strictly police duties performed by members of this Force, your attention is invited to summary of arrests according to charges shown in the ten-year summary appearing in the 1917 Annual Report, to which can be added those in the 1916 and 1917 Annual Reports. From the 1918 Annual, not yet received from the printer, the following is quoted:

	Arrests Convictions	
Illegal Possession of Dogs.....	5	5
Illegal Possession of Firearms.....	197	197
Illegal Traffic in Drugs.....	2	2
Violation of Auto Laws.....	2,392	2,292
Violation of Dog Laws.....	15	15
Violation of Child Labor Laws.....	3	3
Violation of Election Laws.....	2	2
Violation of Fish Laws.....	76	65
Violation of Forestry Laws.....	7	5
Violation of Food Laws.....	15	15
Violation of Game Laws.....	359	352
Violation of Health Laws.....	201	195
Violation of Liquor Laws.....	208	183
Violation of Medical Laws.....	2	2
Violation of Mining Laws.....	11	11
Violation of Quarantine Laws.....	191	178
Violation of School Laws.....	7	7
Violation of Selective Service Laws.....	403	375
Violation of Dog Laws.....	9	9
Violation of U S. Espionage Act.....	22	18

During 1918, 10,017 arrests were made on the various charges, 91.4% of which resulted in conviction.

We would also suggest that you obtain a copy of "Justice to All," by Katherine Mayo, which is a very complete history of the Force, as she compiled her data from the records of this office and by personal contact with the four Troops. The book referred to is published by P. G. Putnam Sons, New York, N. Y., and, I believe, sells for \$2.50. We have no financial interest in this book, but know of its authenticity and distribution.

Trusting the literature we are sending you, with the above, will give you the desired information,

Very respectfully,

GEORGE F. LUMR,
Acting Superintendent.

Mr. John, from the Special Committee on Salaries of Circuit Judges, submitted the following report:

Your committee begs to report a bill relating to the salaries of circuit judges, which has been drawn after consideration of the population, volume of business and other matters pertaining to the respective circuits, as redistricted by Senate Bill No. 214, of the last session.

1. The present salaries of all judges, payable out of the state treasury under general law, is \$3,300.00; except that special acts authorize or compel the county courts of certain counties to pay \$1,700.00 more in the first, fourth, sixth, eighth, ninth, twelfth, thirteenth, fifteenth, sixteenth, seventeenth and twenty-third circuits; also, unlimited allowances are authorized to be made to stenographers or court reporters in the tenth, fourteenth and seventeenth circuits.

2. The bill proposed would raise the salaries of all judges, payable out of the state treasury, from \$3,300.00 to \$4,000.00. Until the next United States census, the salaries of ten judges would be \$4,000.00; five judges, \$4,800.00 to \$5,200.00, and eight judges \$5,200.00 to \$5,800.00. The extra allowance is mandatory as to minimum, so that the law will work as fairly as possible. The salaries of the judges of circuits having a population of less than 48,000 is fixed at \$4,000.00. Where the population runs from 48,000 to 60,000, the salaries shall be increased from \$800.00 to \$1,200.00; and where the population is above 60,000, the salaries shall be increased from \$1,200.00 to \$1,800.00, in addition to the \$4,000.00 payable out of the state treasury.

3. The population of the several circuits, compiled from the last United States census, as shown in West Virginia Manual of 1918, page 211, is as follows:

		<i>Salaries.</i>
First—Brooke, Hancock, Ohio.....	79,135	\$5,200 to \$5,800
Second—Marshall, Tyler, Wetzel.....	72,459	5,200 to 5,800
Third—Doddridge, Pleasants, Ritchie....	38,621	4,000
Fourth—Wood, Wirt	47,048	4,800 to 5,200
Fifth—Calhoun, Jackson, Mason, Roane..	76,776	5,200 to 5,800
Sixth—Cabell, Lincoln, Putnam.....	85,763	5,200 to 5,800
Seventh—Logan and Wayne.....	38,557	4,000
Eighth—Mingo and Wyoming.....	29,823	4,000
Ninth—McDowell, Mercer, Monroe.....	99,282	5,200 to 5,800
Tenth—Boone, Raleigh, Summers.....	54,384	4,800 to 5,200
Eleventh—Greenbrier and Pocahontas....	39,573	4,000

Twelfth—Fayette and Nicholas.....	59,602	5,200 to	5,800
Thirteenth—Kanawha and Clay.....	91,690	5,200 to	5,800
Fourteenth—Braxton, Gilmer, Nicholas...	44,072	4,800 to	5,200
Fifteenth—Harrison and Lewis.....	66,662	5,200 to	5,800
Sixteenth—Marion	42,794	4,800 to	5,200
Seventeenth—Monongalia	24,334		4,000
Eighteenth—Preston	26,341		4,000
Nineteenth—Barbour and Taylor.....	32,412		4,000
Twentieth—Randolph and Upshur.....	32,657		4,000
Twenty-first—Grant, Mineral, Tucker....	43,187		4,000
Twenty-second—Hampshire, Hardy, Pen-			
dleton	30,206		4,000
Twenty-third—Berkeley, Jefferson, Morgan	45,736		4,000

Respectfully,

J. SLOAN KUYKENDALL,
W. S. JOHN,
J. J. SWISHER.

The following bills were introduced on motions for leave, read by their titles and referred to the appropriate committees:

By Mr. McClintic:

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."

Originating in the Joint Committee on State Police. Ordered printed by the House.

By Mr. Taylor:

House Bill No. 5—"A Bill to raise additional revenue for general state purposes by imposing a license tax on persons, firms and corporations owning or holding land in excess of five thousand acres in West Virginia."

Referred to the Committee on the Judiciary.

By Mr. Taylor:

House Bill No. 6—"A Bill imposing a special license tax on persons, partnerships, associations, companies and corporations for the privilege of carrying on in this state the business of producing and selling coal, natural gas and petroleum or rock-oil, and providing for the ascertainment, assessment and collection of such tax".

Referred to the Committee on the Judiciary.

By Mr. Morris (by request).

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for maintenance of the people, and tagging and taxing dogs."

Reference to a Committee dispensed with.

By Mr. John:

House Bill No. 8—"A Bill relating to the salaries and compensation of judges and court reporters of the circuit court of the state."

Originating in the Special Committee on Salaries of Circuit Judges. Ordered printed by the House.

By Mr. McClintic:

House Bill No. 9—"A Bill to amend and re-enact section sixty-six of chapter twenty-nine of the code of West Virginia of one thousand nine hundred and thirteen relating to the assessment of property for taxation."

Referred to the Committee on Taxation and Finance.

By Mr. Twyman:

House Bill No. 10—"A Bill authorizing and regulating the exchange of reciprocal or inter-insurance contracts among individuals, partnerships and corporations; empowering corporations to enter into such contracts; regulating process in suits on such contracts; fixing certain fees and taxes and providing penalties for violation of this act."

Reference to a Committee dispensed with. Ordered to be printed by the House.

Pursuant to resolution this day adopted, the Speaker announced the following appointments:

Assistant Sergeant-at-Arms—W. H. Hutchinson.

Clerk to Sergeant-at-Arms—Mary Bowen.

Assistant Doorkeeper—John Donally.

Gallery Doorkeeper—J. K. Smith.

Banking and Mailing Clerk—Doy West.

Floor Stenographers: For Majority Side—Lottie Early, Maude Perry, Alice Pettigrew, Rose Ferguson and Anna Pedigo. For Minority Side—Mrs. Atha Bowen.

On motion of Mr. McClintic, the House adjourned until 2 o'clock, P. M., Friday, March 14th.

FRIDAY, MARCH 14, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Mr. Blackhurst, the member of the House from the county of Pocahontas.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

The following communication was received from the Senate, reported by the Clerk and ordered printed in the Journal:

CHARLESTON, W. Va., March 13, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates:

The Senate has this day adopted:

HOUSE CONCURRENT RESOLUTION No. 1—"Authorizing the auditor to issue warrants for mileage and per diem of members, officers and attaches of the legislature."

Said resolution is herewith returned.

Yours truly,

JOHN T. HARRIS, *Clerk of the Senate.*

Mr. Anderson, from the Joint Committee on the Virginia Debt, created pursuant to Senate Concurrent Resolution No. 8, regular session of the legislature of 1919, submitted the following report, which was received:

Your Joint Committee on the Virginia Debt has originated and had under consideration,

"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and ad-

justed by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

And report the same with the recommendation that it do pass.

Respectfully submitted,

L. C. ANDERSON, *Chairman House Committee.*

Mr. John, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration,

House Bill No. 1—"A Bill continuing the executive and advisory State Councils of Defense as "Americanization, Reconstruction and Development Councils of West Virginia," and prescribing the powers and duties thereof."

Which bill the committee recommends be amended as follows:

Page five, by striking out paragraph (d), lines twenty to twenty-five, both inclusive.

Page six, section five, line two, by striking out the word "fifteen" and inserting the word "ten" in lieu thereof, and line three, by striking out the word "fifteen" and inserting the word "ten" in lieu thereof.

And report the same back with the recommendation that it do pass.

Respectfully submitted,

WM. S. JOHN, *Chairman Pro Tempore.*

Mr. Fortney (of Preston), offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 3.

"Authorizing the janitor of the capitol to employ, under the statute, additional help during the present extra session of the legislature."

Resolved, by the House of Delegates, the Senate concurring therein:

That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present extra session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the House, upon proper warrants drawn by the sergeant-at-arms of the House upon the auditor, and five to be paid out of the contingent fund of the Senate upon proper warrants drawn upon the auditor by the Clerk of the Senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the contingent fund of the House, and the other half out of the contingent

fund of the Senate, upon warrants drawn by the proper officers upon the auditor.

Resolved, further, That the janitor also appoint two charwomen, who shall receive the same compensation as the assistant legislative janitors, one of said charwomen to be paid out of the contingent fund of the House and the other out of the contingent fund of the Senate upon warrants drawn upon the auditor by the sergeant-at-arms of the House and the Clerk of the Senate, respectively.

On motion of the same gentleman, the resolution was taken up for immediate consideration, read by the Clerk and adopted.

Ordered, That Mr. Fortney (of Preston) communicate to the Senate the adoption of the resolution (H. C. R. No. 3) and ask concurrence therein.

Mr. Neale (of Cabell), moved to print in the Journal the reply of the state tax commissioner to matters relating to the prohibition department referred to in the Governor's message.

Which motion did not prevail.

Mr. John, from the Joint Committee on the Primary Election Law, submitted the following report, which was received:

To the Senate and House of Delegates of West Virginia:

In pursuance of the following:

SENATE CONCURRENT RESOLUTION No. 7.

"Relating to the primary law."

Resolved, by the Senate of West Virginia, the House of Delegates concurring:

That Hon. Jno. J. Cornwell, governor of West Virginia, be and he is hereby requested to include the question of the amendment of the primary law in his call for the extra session of the legislature shortly to be issued by him; and,

Resolved, further, That the President of the Senate and the Speaker of the House of Delegates, be, and each of them is hereby authorized, empowered and directed to appoint a committee of three members from each of the houses; and,

Resolved, further, That such committee shall meet as soon as possible and act as a joint committee for the purpose of investigating and reporting upon the subject of a primary law and such committee shall report by bill, or otherwise, to the legislature when it meets in extra session.

Resolved, further, That the members of such committee shall be entitled to receive the same pay as members of the legislature for all

the time actually employed in such work and also to receive the same mileage as members of the legislature receive.

Your joint committee, appointed by the President of the Senate and the Speaker of the House of Delegates, consisting of Harvey W. Harmer, Jesse A. Bloch, Fred L. Fox, H. C. Richards, W. S. John and Charles G. Peck, respectfully reports that it did not meet until the convening of the Special Session of the legislature, when it met with all of the members present, and organized by the election of Harvey W. Harmer, chairman, and W. S. John as secretary, and took under consideration the matter of said primary election laws as provided in said resolution, and have agreed upon and drawn a bill re-drafting the said primary election laws of this state. Which bill, the chairman was directed to offer as a committee bill to the Senate to be printed for the consideration of all the members of the legislature.

HARVEY W. HARMER,
Chairman Joint Committee.

W. S. JOHN.
Secretary Joint Committee.

The following bills were introduced on motion for leave, read by their titles and referred to the appropriate committees:

By Mr. Anderson:

House Bill No. 11—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

Originating in the Joint Committee on the Virginia Debt.

On motion of Mr. Anderson, reference of the bill to a committee was dispensed with, and ordered printed by the House.

By Mr. Hays:

House Bill No. 12—"A Bill to provide revenue by regulating the holding of fairs and race meetings in the state of West Virginia and to control such fairs and race meetings by creating a State Racing Commission and defining the powers and duties of such commission."

Reference to committee dispensed with.

By Mr. Wysong:

House Bill No. 13—"A Bill to amend and re-enact chapter nine, of the second extraordinary session of the legislature of one thousand

nine hundred and seventeen, and being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."

On motion of Mr. Wyson, reference of the bill to a committee was dispensed with, and ordered printed by the House.

HOUSE CONCURRENT RESOLUTION No. 2.

WHEREAS, the league of nations proposed at the peace conference now sitting in Paris shall be considered by the Senate of the United States before it is binding upon this country, and

WHEREAS, if the United States should become a member of the proposed league of nations such membership will be permanent, and it would be an act of desperation to undertake to break the treaty or extricate ourselves from its membership; and

WHEREAS, as a member of said proposed international league nothing could be done to protect American rights, safeguard American property or maintain American identity anywhere in the world without the expressed consent and permission of said league of nations, thus trampling the Magna Charta, rending the Declaration of Independence, destroying the American constitution, violating the Monroe doctrine, setting aside the American Bill of Rights and smiting the Goddess of Liberty, which would enthrone the rule of might and deliver the United States into the hands and control of an international autocracy; and

WHEREAS, the said proposed league of nations takes from the American people the privileges of independent commercial relation with all the nations of the world, abrogating the power to make trade relation agreements, to enact appropriate tariff laws and preclude all other treaty making prerogatives; therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That it is better for the American people to advance upon the highways of America's traditional policy that was formulated after years of serious thought, matured experience and fervent consultation by that wonderful company of constructive statesmen who laid the foundation of the American nation, and never to lose sight of that galaxy of immortal patriots and men of vision and wisdom, namely: Washington, Hamilton, Jefferson, Adams, Madison, Monroe, Marshall and others. This is the faith of our fathers and by that faith we should ever abide. Let the American nation remain the supreme love of our hearts, the highest object of our efforts, and with a freed hand and unmanacled foot march steadily on toward that destiny, which by reason of its place on the globe and its institutions of freedom—

those emblems of the liberty of men so indelibly emblazoned on the glaring firmament of truth that will shine forever and illuminate the path of righteous humanity and point the way to usefulness for all people.

Resolved, That a copy of this resolution be sent to each of the United States Senators from West Virginia.

Coming up in regular order for consideration, was,

On motion of Mr. Wysong, laid over, retaining its place on the calendar.

House Bill No. 2—"A Bill authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district."

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Hall, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The yeas were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hall, Hamilton, Hays, Hendricks, Hickman, Hilleary, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Rouss, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—77.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Cox, Cuppett, Godfrey, Harvey, Hersman, Houvouras, Jones, Lester, Moran, Pettigrew, Richards, Scott, Shaw, Vanmeter and Williams (of Ohio)—16.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote of yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Shomo, Spangler, Stover, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—80.

The noes were:

None.

Absent and not voting:

Messrs. Blizzard, Cox, Hersman, Houvouras, Moran, Neal (of Webster), Richards, Scott, Shaw, Starcher, Summers, Vanmeter and Williams (of Ohio)—13.

Mr. Hall then moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, (Neale (of Cabell), Nutter, O'Con-

nor, Otto, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wy song and Wolfe (Speaker)—79.

The noes were:

None.

Absent and not voting:

Messrs. Bland, Blizzard, Cox, Hersman, Houvouras, Lester, Moran, Neal (of Webster), Parsons, Scott, Shaw, Summers, Vanmeter and Williams (of Ohio)—14.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 2) takes effect from its passage.

Ordered, That Mr. Lantz communicate to the Senate the passage of the bill and request concurrence therein.

Mr. Starcher moved to expunge from the Journal of Tuesday, March 11, 1919, appearing on pages ten and eleven, the following:

"I have co-operated with the commissioner to the very best of my ability. I have supplied funds to his department out of the civil contingent fund, when his appropriation was exhausted and when the activities of his department would have ceased had I done otherwise. I did it because I wanted the law enforced; because, during the war period, especially coal operators were continuously complaining to me that bootleggers were bringing whisky to their operations, causing a loss of production and demoralizing their working forces. When complaint was made to me in one instance that the commissioner had employed an ex-bootlegger, I wrote him frankly about it, later discussing it with him, and upon his assurance that the employee knew how to catch the other fellows, I took his word, had confidence that everything was all right, and continued to supply money for his department. I have had neither the time nor the means to investigate the complaints that have come to me. Some of them I have passed on to the commissioner, believing he would be able to correct them.

However, I had been forced to the conviction that our method of enforcing the prohibition law is wrong and is inefficient. It may be that a very few plain-clothes men are necessary and desirable, but I insist that this law, as all others, should be enforced by regular officers of the state, of the counties or of the municipalities. The state force should be police officers who wear the uniform of the state, are under bond, and who can be identified and recognized as such. I have been greatly worried and much embarrassed at the in-

dignant letters of protest that have come to me, a great many of them from respectable citizens of other states and not a few from our own state, who have had their baggage torn open needlessly by prohibition department agents who lacked tact, discretion and courtesy.

Special constables representing a justice of the peace here in Charleston, who is now under conviction in the United States court for boot-legging, took from a through Chesapeake & Ohio train the suitcase of a lady, an interstate passenger, while she was at dinner in the dining car, which suitcase contained more than \$1,500.00 worth of jewelry. Another one got the suitcase of an interstate passenger, about three o'clock in the morning, containing valuable papers, the owner of which was hastening to Washington to file income tax reports for the corporation of which he was president. This kind of thing should be guarded against and the law enforced in such a manner and by such officers as not only to avoid unnecessary irritation, but as will maintain the confidence of the people.

At the same time great quantities of whisky have come into the state and into this city continually and been sold freely. If the \$40,000.00 used to employ special agents of the prohibition department is applied to the maintenance of high-class, uniformed, state police, officers of the law, it will go a long way toward supporting such a department, which will exterminate illicit stills, stop bootlegging and prevent many other crimes, as well as being efficient in apprehending all classes of criminals and obviate the necessity of any state military force."

Mr. McCauley rose to the point of order that inasmuch as the governor's message comes from a co-ordinate department of the state government, that it was not competent for the House of Delegates to expunge any part of the same.

Which point of order the Chair held not well taken.

The question recurring on the motion of Mr. Starcher to expunge from the Journal that portion of the governor's message hereinbefore set out,

On that question, Mr. McCauley demanded the ayes and noes.

The demand being sustained, they were ordered taken.

Pending the roll call.

Mr. Kuykendall moved that the Speaker appoint a committee composed of three members of the House to investigate the entire controversy between the governor and state tax commissioner, and report to the House, and

Mr. Starcher rose to the point of order that the roll call had been ordered, and the motion of Mr. Kuykendall was out of order.

Which point of order the Chair held not well taken.

The question recurring on the motion of Mr. Kuykendall that the Speaker appoint a committee to investigate the controversy between the governor and the state tax commissioner, the same was put by the Chair, and did not prevail.

The question again recurring upon the motion of Mr. Starcher to expunge, the Clerk proceeded to call the roll, and

Pending the announcement of the vote, Mr. Starcher approached the Clerk's desk, and

Mr. Thurmond rose to the point of order that, under the rules of the House, no member was permitted to approach the Clerk's desk during a roll call.

Which point of order the Chair held well taken.

Whereupon,

The Clerk announced the vote, which is as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brammer, Capehart, Clements, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hendricks, Hickman, Hilleary, Howard, Jones, Moore, Moran, Morris, Musser, McClaren, McClintic, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pettigrew, Pridemore, Richards, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—49.

The noes were:

Messrs. Bland, Brand, Bray, Byrnes, Calhoun, Coberly, Cosner, Cuppett, Ferguson, Hall, Hamilton, Harvey, Hays, Hobbs, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moulds, McCauley, O'Connon, Peck, Perin, Rankin, Rouss, Sarver, Shomo, Summers, Thomas and Thurmond—34.

Absent and not voting:

Messrs. Blizzard, Cox, Hersman, Houvouras, McVey, Neal (of Webster), Scott, Shaw, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting having voted in the affirmative, the motion of Mr. Starcher, to expunge from the Journal of Tuesday, March 11, that portion of the governor's message hereinbefore set out, prevailed.

House Bill No. 4—"A Bill creating a department of state police,

providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for the maintenance of the people, and tagging and taxing dogs."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 8—"A Bill relating to the salaries and compensation of judges and court reporters of the circuit courts of the state."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 10—"A Bill authorizing and regulating the exchange of reciprocal or inter-insurance contracts among individuals, partnerships and corporations; empowering corporations to enter into such contracts; regulating process in suits on such contracts; fixing certain fees and taxes and providing penalties for violation of this act."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Pursuant to notice given by Mr. Twyman on yesterday, the following amendment to the rules of the House was offered:

Sec. 56-a. All resolutions for the extensions of time of any appointee of the House, or the payment of money, shall be introduced one day prior to the ending of the session, unless such resolutions originate in the Committee on Rules or this rule be suspended by a vote of four-fifths of the members elected to the House.

On motion of Mr. Twyman, the amendment was taken up for immediate consideration and adopted.

Unanimous consent being given,

On motion of Mr. John,

House Bill No. 1—"A Bill continuing the executive and advisory state councils of defense as 'Americanization, reconstruction and development councils of West Virginia,' and prescribing the powers and duties thereof."

This day reported by the Committee on the Judiciary, with committee amendments, was taken up for immediate consideration, read a first time and ordered to its second reading.

On motion of Mr. McVey, the House adjourned until 10 o'clock, A. M., Monday, March 17, 1919.

MONDAY, MARCH 17, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of Friday, March 14th,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

A message from the Senate, by Mr. Sanders, announced the passage by that body of

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."

And asked the concurrence of the House therein.

A message from the Senate, by Mr. Cobun, announced the adoption by that body of

SENATE JOINT RESOLUTION No. 1—"Requesting the president of the United States and congress to consider the advisability of enacting laws permitting the use of the army of the United States, when necessary, for the preservation of order and the suppression of riots and insurrections in the several states."

And asked the concurrence of the House therein:

A message from the Senate, by Mr. Burgess, announced the concurrence of that body in the passage of

House Bill No. 2—"A Bill authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district."

HOUSE CONCURRENT RESOLUTION No. 2.

WHEREAS, the league of nations proposed at the peace conference now sitting in Paris shall be considered by the Senate of the United States before it is binding upon this country; and

WHEREAS, if the United States should become a member of the proposed league of nations such membership will be permanent, and it would be an act of desperation to undertake to break the treaty or extricate ourselves from its membership; and

WHEREAS, as a member of said proposed international league nothing could be done to protect American rights, safeguard American property or maintain American identity anywhere in the world without the expressed consent and permission of said league of nations, thus trampling the Magna Charta, rending the Declaration of Independence, destroying the American constitution, violating the Monroe doctrine, setting aside the American Bill of Rights and smiting the Goddess of Liberty, which would enthrone the rule of might and deliver the United States into the hands and control of an international autocracy; and

WHEREAS, the said proposed league of nations takes from the American people the privileges of independent commercial relation with all the nations of the world, abrogating the power to make trade relation agreements, to enact appropriate tariff laws and preclude all other treaty-making prerogatives; therefore, be it

Resolved, by the House of Delegates, the Senate concurring, That it is better for the American people to advance upon the highways of America's traditional policy that was formulated after years of serious thought, matured experience and fervent consultation by that wonderful company of constructive statesmen who laid the foundation of the American nation, and never to lose sight of that galaxy of immortal patriots and men of vision and wisdom, namely: Washington, Hamilton, Jefferson, Adams, Madison, Monroe, Marshall and others. This is the faith of our fathers and by that faith we should ever abide. Let the American nation remain the supreme love of our hearts, the highest object of our efforts and with a freed hand and unmanacled foot march steadily on toward that destiny, which by reason of its place on the globe and its institutions of freedom, those emblems of the liberty of men so indelibly emblazoned on the glaring firmament of truth that will shine forever and illuminate the path of righteous humanity and point the way to usefulness for all people.

Resolved, That a copy of this resolution be sent to each of the United States Senators from West Virginia.

Coming up in regular order for consideration, was read by the Clerk.

Pending the discussion of the resolution,

Mr. Howard moved the previous question, and

The same being put by the Chair, did not prevail.

Mr. McCauley rose to the point of order, "That as this session of the legislature is an extraordinary session, a matter of this character, such as embraced in this resolution, is not embraced in the call, and therefore, is not a proper matter for consideration at this session of the legislature."

Which point of order the Chair held not well taken.

Pending the further discussion of the resolution,

Mr. Weiss moved the previous question.

The question prevailing, the Speaker propounded the main question: "Shall the resolution be adopted?" and

On that question, on the adoption of the resolution,

Mr. Thurmond demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Byrnes, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hendricks, Hickman, Hilleary, Howard, John, Jones, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Otto, Parsons, Pedigo, Perin, Pridemore, Rankin, Richards, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Twyman, Vaughn, Weiss, Wyson and Wolfe (Speaker)—52.

The noes were:

Messrs. Bland, Bray, Calhoun, Coberly, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Hobbs, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, McCauley, Neal (of Webster), O'Connor, Peck, Rouss, Summers, Thomas, Thurmond and Williams (of Pleasants)—27.

Absent and not voting:

Messrs. Blizzard, Capehart, Clements, Cox, Hackney, Hersman, Houvouras, Neale (of Cabell), Nutter, Pettigrew, Scott, Shaw, Vanmeter and Williams (of Ohio)—14.

So, a majority of all the members present having voted in the affirmative, the resolution (H. C. R. No. 2) was adopted.

Ordered, That Mr. Wysong communicate to the Senate the adoption of the resolution, and ask concurrence therein.

A message from the Senate, by Mr. Arnold, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 2—"Providing for the payment of mileage and per diem of members of the joint special committee appointed under Senate Concurrent Resolution No. 8, regular session, to draft tentative bills for the payment of the Virginia debt judgment."

And asked the concurrence of the House therein.

Mr. Hickman presented the petition of P. A. Ratliff and one hundred and eighty-three others from the county of Tyler, protesting against any special tax on oil or gas.

Mr. Cosner presented the petition of W. C. Baxter and one thousand and thirty-two others from the county of Braxton, protesting against any special tax on oil or gas.

Mr. Musser presented the petition of W. W. Brannon and one thousand two hundred and eight others from the county of Lewis, protesting against any special tax on oil or gas.

Mr. Miller presented the petition of J. K. Snodgrass and one thousand five hundred and fourteen others from the county of Marion, protesting against any special tax on oil or gas.

Mr. Shomo presented the petition of E. R. Dyer and one hundred and twenty-one others from the county of Barbour, protesting against any special tax on oil or gas.

Mr. Swisher presented the petition of Frank Dawson and five hundred and thirty-four others from the county of Wirt; also the petition of A. H. Salisbury and one thousand five hundred and eighty-seven others from the county of Wood, protesting against any special tax on oil or gas.

Mr. Coleman presented the petition of F. A. Woody and sixty-six others from the county of Fayette, protesting against any special tax on oil or gas.

Mr. Coon presented the petition of P. M. Price and eighty-three others from the county of Boone, protesting against any special tax on oil or gas.

Mr. Summers presented the petition of O. L. Hall and two hundred

and eighty-six others from the county of Clay, protesting against any special tax on oil or gas.

Mr. Bland presented the petition of D. J. Barrett and one hundred and eight others from the county of Logan, protesting against any special tax on oil or gas.

Mr. Lester presented the petition of A. Gunn and eight hundred and fifty others from the county of Calhoun, protesting against any special tax on oil or gas.

Mr. Hilleary presented the petition of R. C. Boggs and one hundred and thirty-four others from the county of Upshur, protesting against any special tax on oil or gas.

Mr. Howard presented the petition of J. C. Stilt and one thousand three hundred and ninety-five others from the county of Doddridge, protesting against any special tax on oil or gas.

Mr. Pridemore presented the petition of A. S. Black and one thousand and fifty-five others from the county of Lincoln, protesting against any special tax on oil or gas.

Mr. Sturm presented the petition of J. C. Knight and three thousand and eighty-three others from Harrison county, protesting against any special tax on oil or gas.

Mr. McClintic presented the petition of O. A. Borter and one thousand nine hundred and eleven others from the county of Kanawha, protesting against any special tax on oil or gas.

Mr. Vaughn presented the petition of David A. Nite and one hundred and twenty-one others from the county of Taylor, protesting against any special tax on oil or gas.

Mr. Williams (of Pleasants) presented the petition of D. C. Umen-setter and six hundred and eleven others from the county of Pleasants, protesting against any special tax on oil or gas.

Mr. Hall presented the petition of J. R. Stout and nine others from the county of Wetzel, protesting against any special tax on oil or gas.

Mr. Wolfe presented the petition of S. C. Monroe and three hundred and forty-five others from the county of Jackson, protesting against any special tax on oil and gas.

Mr. Taylor presented the petition of R. G. Sims and two hundred and twenty-three others from the county of Putnam, protesting against any special tax on oil and gas.

Mr. John presented the petition of L. D. Moore and one thousand three hundred and thirteen others from the county of Monongalia, protesting against any special tax on oil or gas.

Mr. Twyman presented the petition of C. R. Baumline and six hundred and seventy-three others from the county of Cabell; also the petition of G. W. Barrett and one thousand one hundred and five others from the county of Tyler; also the petition of L. P. McCracken and one thousand and sixty others from the county of Marshall; also the petition of A. E. Beckhouse and four hundred and seventy others from the county of Gilmer; also the petition of A. F. Scott and one thousand six hundred and fifty-one others from the county of Ritchie; also the petition of E. D. Ward and one thousand and eighty-seven others from the county of Roane, and the petition of W. E. Black and two thousand three hundred and fifty-seven others from the county of Wetzel, protesting against any special tax on oil or gas.

Mr. Grove presented a communication from the West Virginia Manufacturers Association, endorsing a sufficient tax upon the transportation of natural gas.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 9—"A Bill to amend and re-enact section sixty-six of chapter twenty-nine of the code of West Virginia of one thousand nine hundred and thirteen, relating to the assessment of property for taxation."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

House Bill No. 9 having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

On motion of Mr. Moore, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

On motion of Mr. McClintic, indefinite leaves of absence on account of illness were granted to Messrs. Hackney and Pettigrew.

On motion of Mr. Fitch, an indefinite leave of absence on account of illness was granted to Mr. Houvouras.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

Resolution by Mr. John, relating to equipment for Clerk's office.

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman*.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 3—"A Bill to raise additional revenue for payment of the debt of West Virginia to Virginia and for other purposes, levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

S. L. PARSONS, *Chairman*.

Mr. Grove, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 3—"A Bill to raise additional revenue for payment of the debt of West Virginia to Virginia and for other purposes, levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

The undersigned members of your Committee on Taxation and Finance report the same back with recommendation that it do pass.

S. L. PARSONS,
ROY C. GROVE,
G. W. BYRNES,
F. N. HAYS.

Mr. Grove moved that the minority report be substituted for and in lieu of the report of the committee.

Pending which,

On motion of Mr. Moore the question was made a special order for tomorrow, Tuesday, March 18, at 10:15 o'clock, A. M.

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."

On second reading coming up in regular order for consideration, was

On motion of Mr. McClintic laid over retaining its place on the calendar.

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for the maintenance of the people, and tagging and taxing dogs."

On second reading coming up in regular order for consideration was read a second time.

On motions of Mr. Morris, severally made, the bill was amended as follows:

On page four, section two, line seventeen, by striking out after the word "of" the word "fifty" and inserting in lieu thereof the words "one dollar."

On same page, same section, same line, by striking out after the word "or" the word "one" and inserting in lieu thereof the word "three."

Mr. Thomas moved to amend the bill by striking out all of lines one to fifty-seven.

Which motion did not prevail.

On motion of Mr. McClintic the bill was amended ~~on page four, by striking out all of lines fifty-four, fifty-five, fifty-six and fifty-seven.~~

The bill as amended, was then ordered to its engrossment and third reading.

House Bill No. 8—"A Bill relating to the salaries and compensation of judges and court reporters of the circuit courts of the state."

On second reading coming up in regular order for consideration, was

On motion of Mr. Swisher laid over retaining its place on the calendar.

House Bill No. 10—"A Bill authorizing and regulating the exchange of reciprocal or inter-insurance contracts among individuals, partnerships and corporations; empowering corporations to enter into such contracts; regulating process in suits on such contracts; fixing certain fees and taxes and providing penalties for violation of this act."

On second reading coming up in regular order for consideration was read a second time.

Mr. Twyman moved to amend the bill on page eleven, section twelve, by adding at the end of line three, the following: "None of the compulsory provisions of this act shall be construed or held to apply to domestic mutual fire insurance companies doing business under the laws of this state."

Which motion did not prevail.

Mr. Cuppett moved that the bill be committed to the committee on Taxation and Finance.

Which motion did not prevail.

Mr. Moore moved that the bill be committed to the committee on the Judiciary.

Which motion did not prevail.

On motion of Mr. Howard the enacting clause was stricken from the bill.

House Bill No. 1—"A Bill continuing the executive and advisory state cocouncils of defense as 'Americanization, reconstruction and development councils of West Virginia,' and prescribing the powers and duties thereof."

On second reading coming up in regular order for consideration, was

On motion of Mr. John, laid over, retaining its place on the calendar.

~~House Bill No. 11—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and~~

sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

On motion of Mr. Moore, the House reconsidered the vote by which House Bill No. 3—"A Bill to raise additional revenue for payment of the debt of West Virginia to Virginia and for other purposes, by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

Was made a special order for 10:15 o'clock, A. M., tomorrow, and the bill taken up for immediate consideration.

Mr. Grove then renewed his motion to substitute the minority report of the Committee on Taxation and Finance for and in lieu of the committee report, and

On that question

Mr. Moore demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Byrnes, Calhoun, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hamilton, Harvey, Hays, Hilleary, Hobbs, John, Jones, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McDermitt, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pedigo, Rankin, Richards, Rouss, Sarver, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Thomas, Vaughn, Weiss, Wysong and Wolfe (Speaker)—58.

The noes were:

Messrs. Anderson, Bland, Bray, Hale, Hall, Hendricks, Hickman, Howard, Kern, Miller, McClaren, McClintic, McPherson, McVey, Perin, Pridemore, Summers, Swisher, Thurman and Williams (of Pleasants)—21.

Absent and not voting:

Messrs. Blizzard, Capehart, Coleman, Cox, Hackney, Hersman, Houvouras, Neale (of Cabell), Nutter, Pettigrew, Scott, Shaw, Vanmeter and Williams (of Ohio)—14.

So, a majority of all the members present and voting having voted in the affirmative, the minority report of the Committee of the Committee on Taxation and Finance was substituted for and in lieu of the Committee report.

Mr. John asked unanimous consent to take up the bill (H. B. No. 3) for immediate consideration.

Which consent was not given, Mr. Williams (of Pleasants) objecting.

On motion of the same gentleman, the bill was taken up for immediate consideration, read a first time and ordered to its second reading.

A message from the Senate, by Mr. Hough, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION No. 3.

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:

THAT, WHEREAS, the legislature on the twenty-first day of February, one thousand nine hundred and nineteen, regular session, adopted House Concurrent Resolution No. 15, providing for the appointment of a joint committee to investigate and report on state police protection for the consideration of the legislature; and

WHEREAS, the said concurrent resolution provided that the members of such committee were "entitled to receive the same pay as members of the legislature actually employed in such work, and also receive such mileage as members of the legislature receive"; and

WHEREAS, the said joint committee on state police protection was in session eight days, and it further appears that the members of the aforesaid committee traveled the number of miles herein set forth:

Elmer Hough	502 miles
Cost of stenographic work on report for use of committee....	\$16.50
Telegraph messages and phone tolls.....	8.75
Expenses paid to Captain L. S. Pitcher, of Pennsylvania State Police Force, incurred in appearing before committee....	75.00
Edgar B. Stewart	602 miles
A. E. Scherr	

Carl H. Hunter.....	454 miles
G. K. Kump	1,018 miles
Geo. W. McClintic (for stenographic work).....	\$5.00
J. M. McVey	120 miles
H. K. Stover	680 miles
J. S. Thurmond	238 miles
B. R. Twyman	332 miles

Be it resolved, That the Clerk of the Senate and the Sergeant-at-Arms of the House of Delegates be, and they are hereby directed, to issue their warrants upon the auditor, payable respectively to the members of the Senate and the members of the House of Delegates comprising said joint committee for mileage at the rate of ten cents per mile as set forth in the foregoing list, and for pre diem at the rate of four dollars (\$4.00) for eight days, and for the necessary contingent items listed, said warrants to be drawn on the contingent funds of the Senate and the House of Delegates.

And asked concurrence of the House therein.

House Bill No. 12—"A Bill to provide revenue by regulating the holding of fairs and race meetings in the state of West Virginia and to control such fairs and race meetings by creating a state racing commission and defining the powers and duties of such commission."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

House Bill No. 13—"A Bill to amend and re-enact chapter nine, of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, and being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."

On first reading, coming up in regular order for consideration, was read a first time and ordered to its second reading.

Unanimous consent being given, on motion of Mr. McClintic,

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."

Being a message from the Senate today, was taken up for immediate consideration and read a first time.

On the further motion of the same gentleman, reference of the bill (S. B. No. 5) to a committee was dispensed with, and ordered to its second reading.

On motion of Mr. Fortney (of Preston), the House adjourned.

TUESDAY, MARCH 18, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Mr. Blackhurst, member of the House from the county of Pocahontas.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Pursuant to the adoption of a resolution by the House of Delegates March 13th, 1919, the Clerk announced the following appointments:

M. J. Malamphy, Jr. and J. C. Hamilton, desk clerks; G. A. Bolden, bill editor; A. K. Slaughter, supervisor of printing; Homer Jarrett, printing clerk; Ernest Higginbotham and C. A. Nuzum, copy holders; Virgil Frizzell, reading clerk; F. A. Miller, assistant clerk; Effie McCown, stenographer; Ralph Matthews, enrolling clerk; Cameron Swisher, assistant clerk; W. H. Rumberg, bill record clerk; Willa Hyatt, assistant clerk; Charles Wood, Jr., page; J. E. McGlothlin, printing clerk; G. W. Hays, journal editor, and H. A. Simpson, bill record clerk.

Mr. Starcher offered the following resolution:

WHEREAS, the House of Delegates on the twenty-first day of February, regular session, one thousand nine hundred and nineteen, adopted the following resolution:

"That the per diem of the clerk of the Committee on Finance be extended ninety days to complete his work, file the official papers and other documents lodged with the Finance Committee and to prepare a comparative statement of appropriations from one thousand nine hundred and fourteen to one thousand nine hundred and twenty-one, in-

clusive, for publication in the corrected Journal; also to prepare for publication a digest of the budget laws of the several states that have adopted the budget system;" and

WHEREAS, by inadvertence the aforesaid resolution did not specify the fund from which the per diem of said clerk should be paid; therefore be it

Resolved, That the sergeant-at-arms of the House of Delegates is hereby directed to draw his warrant on the auditor at the rate per diem allowed such clerk during the regular session of the legislature, payable out of the contingent fund of the House of Delegates.

Referred to the Committee on Rules.

The following communication was received from the Governor, read by the Clerk and ordered printed in the Journal:

STATE OF WEST VIRGINIA,
EXECUTIVE DEPARTMENT,
Charleston, March 3, 1919.

Hon. J. L. Wolfe,
Speaker of the House.

Dear Sir: I beg to transmit herewith a letter received from the adjutant general of the United States army in response to a communication from me to the secretary of war, transmitting a certified copy of House Concurrent Resolution No. 12, relative to securing certain captured German ordnance to be placed in the state house grounds.

Very truly yours,

JNO. J. CORNWELL, *Governor.*
WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 27, 1919.

Honorable John J. Cornwell,
Governor of the State of West Virginia,
Charleston, W. Va.

My dear Governor Cornwell: I am directed by the secretary of war to acknowledge the receipt of your letter of the 24th instant, inclosing a certified copy of the House Concurrent Resolution No. 12, passed by the West Virginia legislature, together with letter from General Patrick and copy of letter from General Hines, relative to securing certain captured German ordnance to be placed on the state house grounds of your state, and in response to advise you as follows:

The war department has asked General Pershing to send to this

country captured cannon and such other war material as can be distributed. However, only a small quantity has thus far been received.

The department is receiving many requests, similar to the one contained in your letter, and they are being made a matter of official record for further consideration when a larger quantity of material becomes available, and the question of its distribution, which is a matter for congress, shall have been determined.

Your letter and inclosures have been referred to the chief of ordinance.

Very sincerely yours,
P. C. HARRIS, *The Adjutant General.*

Resolution by Mr. John:

A resolution providing for the safe and permanent keeping of legislative records.

WHEREAS, there are no facilities for the systematic operation of the business of the Clerk of the House of Delegates of the legislature for the filing and preserving of its records and documents; and

WHEREAS, the Clerk of the House of Delegates, by virtue of his office, is keeper of the rolls and other permanent records of the legislative acts and proceedings of the state, and is responsible for the safe and proper care of same during the sessions of the legislature and thereafter as the permanent record of the legislative acts of the state; and

WHEREAS, it is important and necessary that the bills and other papers be properly filed and securely and safely kept during the sessions of the legislature and that the rolls and permanent records of the legislative acts and proceedings of the legislature be protected from alterations, mutilations or loss and preserved for use and reference in case of litigation or other controversy relating to the acts and proceedings of the legislature; therefore be it

Resolved by the House of Delegates, That the Clerk of the House of Delegates be, and he is hereby directed, to procure and have installed in the Clerk's office, steel filing cases, of sufficient capacity and of suitable design, with means of securely locking the same, to care for the records in his keeping; and the auditor is hereby authorized and directed to pay for said equipment out of the contingent fund of the House of Delegates upon proper warrant signed by the Clerk of the House, in a sum not to exceed twenty-five hundred dollars.

Coming up in regular order for consideration, was read by the Clerk and adopted.

Unanimous consent being given,

On motion of Mr. McClintic

SENATE CONCURRENT RESOLUTION No. 3—"Providing for the payment of per diem and mileage of members of the joint special committee appointed under House Concurrent Resolution No. 15, regular session, to investigate and report on state police protection, and for the payment of sundry contingent expenses incurred by said committee."

Was taken up out of its regular order for immediate consideration.

On the further motion of the same gentleman, the resolution (S. C. R. No. 3) was amended by inserting after the name of B. R. Twyman the following:

M. J. Malamphy, Jr..... 602 miles

Per diem for eight days as in regular session.

The resolution, as amended, was then adopted.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. C. R. No. 3), as amended, and ask concurrence in the amendment thereto.

Unanimous consent being given,

On motion of Mr. Anderson,

SENATE CONCURRENT RESOLUTION No. 2—"Providing for the payment of mileage and per diem of members of the joint special committee appointed under Senate Concurrent Resolution No. 8, regular session, to draft tentative bills for the payment of the Virginia debt judgment."

Was taken up out of its regular order for immediate consideration.

On the further motion of the same gentleman, the resolution (S. C. R. No. 2) was amended by inserting after the name of J. J. Swisher the following:

"J. V. Sullivan, eight days at the same rate allowed in the regular session."

The resolution, as amended, was then adopted.

Ordered, That Mr. Anderson communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. C. R. No. 2), as amended, and ask concurrence in the amendment thereto.

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep,

the conservation of food supply for the maintenance of the people and tagging and taxing dogs."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Coleman, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hendricks, Hobbs, John, Jones, Kern, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McVey, Parsons, Perin, Rankin, Rouss, Scott, Spangler, Starcher, Stover, Sturm, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—45.

The noes were:

Messrs. Anderson, Bland, Calhoun, Clements, Coberly, Coon, Hall, Hamilton, Hays, Hersman, Hilleary, Kuykendall, Mollohan, McCauley, McDermitt, McPherson, Neale (of Webster), O'Connor, Otto, Peck, Pedigo, Pridemore, Richards, Sarver, Shomo, Summers, Taylor and Thomas—28.

Absent and not voting:

Messrs. Blizzard, Capehart, Cosner, Cox, Ferguson, Hackney, Harvey, Hickman, Houvouras, Howard, Lantz, Lester, Neale (of Cabell), Nutter, Pettigrew, Shaw, Swisher, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—20.

Mr. Morris moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Bray, Byrnes, Capehart, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hale, Hendricks, Hilleary, Hobbs, John, Jones, Kern, Mahan, Miller, Moore, Morris, Moulds, Musser, McClaren, McClintic, McPherson, McVey, Pedigo, Perin, Rankin, Rouss, Scott, Spangler, Starcher, Stover, Sturm, Taylor, Thurmond, Twyman, Wysong and Wolfe (Speaker)—45.

The noes were:

Messrs. Bland, Calhoun, Clements, Coberly, Coleman, Cosner, Ferguson, Hall, Hamilton, Harvey, Hays, Hersman, Kuykendall, Lantz, Mollohan, McCauley, McDermitt, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Pridemore, Richards, Sarver, Shomo, Summers, Thomas and Weiss—29.

Absent and not voting:

Messrs. Blizzard, Cox, Cuppett, Godfrey, Hackney, Hickman, Houvouras, Howard, Lester, Moran, Neale (of Cabell), Nutter, Pettigrew, Shaw, Swisher, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—19.

So, two-thirds of all the members elected to the House, not having voted in the affirmative, the Speaker declared that the motion did not prevail.

Ordered, That Mr. Morris communicate to the Senate the passage of the bill (H. B. No. 7) and request concurrence therein.

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."

On second reading coming up in regular order for consideration was read a second time.

On motions of Mr. Blackhurst, severally made, the bill was amended as follows:

On page one, section one, line one, after the words "A department of," strike out the words "state police" and insert in lieu thereof the words "public safety."

Also, following section by section by striking out the words "state police" wherever they appear and inserting in lieu thereof the words "public safety."

On page twenty-four by adding a new section as follows:

Section 29. The superintendent of the department of public safety is authorized from time to time to collect statistics and distribute information throughout the state, and in this co-operate with the state superintendent of public schools and other educational agencies of the state, to secure the naturalization and Americanization of all foreign-born inhabitants; to employ all agencies in his power to secure a harmonious feeling and understanding between the employers of labor and their employees; and to secure this end he may call upon the educational and other state institutions for public speakers and is authorized to hold public meetings at any point in the state where in his judgment such meetings will be of advantage to carry out the spirit of this law.

Mr. Blackhurst moved to amend the bill on page twenty-four by adding a new section as follows:

Section 30. It shall be unlawful for any employer of labor to prevent either by force or otherwise an organization of his employees under rules and regulations to be approved by the superintendent of public safety, where educational subjects, labor subjects, governmental and social subjects may be discussed, where the superintendent of the department of public safety or his authorized agents may meet by appointment to discuss subjects of betterment to such laboring class. Any person, firm or corporation, refusing or attempting to prevent such organization shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five thousand dollars nor more than ten thousand dollars.

Which motion did not prevail.

Mr. Blackhurst moved to amend the bill by striking out all of section seven and inserting in lieu thereof the following:

No person shall be appointed by the superintendent as a member of the state department of public safety unless he be a citizen of the United States and has been a resident of the state of West Virginia for at least ten years. He shall also be a person not less than twenty-one nor more than forty years of age, able to ride horseback, of sound constitution, of good moral character and never been convicted of crime, and he shall be required to pass such mental and physical examinations as may be provided for by the rules and regulations promulgated by the superintendent.

All candidates for membership in the state department of public safety shall be recommended by the judges of the several judicial districts of the state, divided in accordance to the population of said districts, and preference in all cases shall be given to honorably discharged soldiers and sailors of the United States. No person shall be barred from becoming a member of such state department of public safety because of his religious or political convictions. No person shall be eligible to hold or be appointed a member of the department of public safety under this act, who is a member of, or employed by or identified with any detective agency or private organization.

All members of the state department of public safety, including the deputy, clerk and stenographer, shall be appointed by the superintendent for the period of two years and all the members of the state department of public safety, except the superintendent, deputy, captain, lieutenants, bookkeeper and stenographer, shall receive an increase of sixty dollars per annum during continuous service after two years and an additional increase of sixty dollars per annum during continuous service after four years.

Which motion did not prevail.

Mr. Wysong moved to amend the bill by striking out the enacting clause, and

On that question, the same gentleman demanded the ayes and noes. The demand being sustained, they were ordered taken.

Whereupon,

Pending the discussion of the motion to amend the bill, by striking out the enacting clause,

On motion of Mr. Moore, the House recessed until 2 o'clock, p. m.

AFTERNOON SESSION.

The House met at the expiration of the recess.

The question before the House being on the motion of Mr. Wysong to amend House Bill No. 4, by striking out the enacting clause, and On that question,

The demand for ayes and noes having been sustained at the morning session, they were taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Brammer, Byrnes, Clements, Coberly, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Grove, Hendricks, Hobbs, Howard, Mahan, Moore, Morris, Musser, McDermitt, McPherson, Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Stover, Sturm, Taylor, Weiss, Wysong and Wolfe (Speaker)—36.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cuppett, Ferguson, Fortney (of Preston), Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, John, Jones, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pridemore, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn and Williams (of Pleasants)—47.

Absent and not voting:

Messrs. Blizzard, Cox, Hackney, Houvouras, Neale (of Cabell), Pettigrew, Shaw, Starcher, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to strike out the enacting clause, did not prevail.

Mr. Wysong then moved to lay the bill (H. B. No. 4) on the table, and

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Brammer, Byrnes, Clements, Coberly, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hall, Hendricks, Hersman, Hobbs, Howard, Jones, Mahan, Moore, Morris, Musser, McDermitt, McPherson, Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Sarver, Shomo, Spangler, Stover, Sturm, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—42.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cuppett, Ferguson, Godfrey, Hale, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Miller, Molohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pridemore, Rouss, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—41.

Absent and not voting:

Messrs. Blizzard, Cox, Hackney, Houvouras, Neale (of Cabell), Pettigrew, Shaw, Starcher, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting having voted in the affirmative, the motion to lay the bill (H. B. No. 4) on the table, prevailed.

The following communication was received from the Senate, reported by the Clerk and ordered printed in the Journal:

CHARLESTON, W. Va., March 18, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates.

Dear Sir:

On motion of Mr. Sanders, the Senate recalls Senate Bill No. 5, communicated to the House of Delegates on Saturday last. Will you please return the bill at once.

Yours truly,

JOHN T. HARRIS, *Clerk of the Senate.*

Whereupon,

On motion of Mr. John, the bill,

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."

Was, by the Clerk of the House, returned to the Senate.

House Bill No. 8—"A Bill relating to the salaries and compensation of judges and court reporters of the circuit courts of the state."

On second reading, coming up in regular order for consideration, was

On motion of Mr. John, laid over, retaining its place on the calendar.

House Bill No. 1—"A Bill continuing the executive and advisory state councils of defense as 'Americanization, Reconstruction and Development Councils of West Virginia,' and prescribing the powers and duties thereof."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. John, severally made, the bill was amended as follows:

On page four, section three, by striking out, beginning with the word "and," all of lines twelve, thirteen and fourteen.

On page six, section five, line two, by striking out the word "ten" and inserting in lieu thereof the word "five."

On same page, same section, line three, by striking out the word "ten" and inserting in lieu thereof the word "five."

On page six, section five, by striking out line six after the word "provided" and all of lines seven and eight down to the word "that."

The bill (H. B. No. 1), as amended, was then ordered to its engrossment and third reading.

A message from the Senate, by Mr. Gribble, announced the passage by that body of

Senate Bill No. 1—"A Bill to amend and re-enact section two of chapter one hundred and twenty-six of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to rate and manner of laying levies for taxation."

And asked the concurrence of the House therein.

House Bill No. 11—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Moore, made a special order for 2 o'clock, P. M., tomorrow.

House Bill No. 3—"A Bill to raise additional revenue for payment of the debt of West Virginia to Virginia and for other purposes by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. John, severally made, the bill was amended as follows:

On page three, section one, line eight, by striking out the words "one-tenth" and inserting in lieu thereof the words "one-fifth."

On page seven, section six, by striking out all that follows after the word "notification," in line six, down to the end of the section.

On motion of Mr. Moore, the bill was amended as follows:

On page four, section two, line eighteen, by adding after the word "act" the following:

"Provided, further, That this act shall not apply to and include gathering gas pipe lines which are four inches or less in diameter connecting gas wells with main transportation gas line."

Mr. Twyman moved to amend the bill by adding thereto the following section:

"Sec. 11. The tax imposed by this act shall be in lieu of all taxes levied on the production of oil and gas now imposed by law."

Which amendment did not prevail.

The bill (H. B. No. 3), as amended, was then ordered to its engrossment and third reading.

House Bill No. 12—"A Bill to provide revenue by regulating the holding of fairs and race meetings in the state of West Virginia and to control such fairs and race meetings by creating a state racing commission and defining the powers and duties of such commission."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Weiss, the bill was amended on page ten, line fifty-one, by striking out the word "four" and inserting in lieu thereof the word "five."

Mr. Sarver moved to amend the bill by striking out the enacting clause, and

On that question,

Mr. Hays demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the announcement of the vote,

Mr. Kuykendall moved that the announcement of the vote be postponed until 10:30 o'clock, A. M., tomorrow,

Which motion did not prevail.

Whereupon,

The Clerk announced the vote, which is as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Brand, Brammer, Byrnes, Coleman, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Hendricks, Hersman, Hickman, Hilleary, John, Kern, Mahan, Moore, Morris, Moulds, Musser, McCauley, McClaren, Neal (of Webster), Parsons, Perin, Pridemore, Rankin, Richards, Sarver, Shaw, Spangler, Stover, Sturm, Swisher, Taylor, Thomas, Vaughn and Wolfe (Speaker)—41.

The noes were:

Messrs. Calhoun, Clements, Coberly, Coon, Grove, Hays, Hobbs, Kuykendall, Lester, Miller, Mollohan, McDermitt, McVey, O'Connor, Otto, Peck, Pedigo, Shomo, Twyman, Weiss and Wysong—21.

Absent and not voting:

Messrs. Bland, Blizzard, Bray, Capehart, Cox, Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Houvouras, Howard, Jones, Lantz, Moran, McClintic, McPherson, Neale (of Cabell), Nutter, Pettigrew, Rouss, Scott, Shaw, Stacher, Summers, Thurmond, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—31.

So, a majority of all the members present and voting having voted in the affirmative, the motion to strike out the enacting clause prevailed.

On motion of Mr. Kuykendall, the House adjourned.

WEDNESDAY, MARCH 19, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of yesterday,

On motion of Mr. Brammer, the further reading thereof was dispensed with.

Mr. Moore, chairman of the Committee on Judiciary, offered the following resolution:

WHEREAS, On the twentieth day of February, one thousand nine hundred and nineteen, this House adopted a resolution authorizing and directing the sergeant-at-arms of the House of Delegates to draw his warrants to certain persons named in said resolution for the several amounts specified therein, payable out of the contingent fund of the House, for mileage and per diem as witnesses summoned in the matter of the impeachment charges against George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, which said resolution is found on pages twenty-nine, thirty and thirty-one of the Journal of the House of Delegates for the twentieth day of February, one thousand nine hundred and nineteen; and,

WHEREAS, In making up the list of the witnesses summoned certain names were omitted from said list of witnesses reported to the House; and,

WHEREAS, The names of said witnesses, the mileage and per diem to which they are entitled has since been reported to the Judiciary Committee; now, therefore, be it

Resolved, That the sergeant-at-arms of the House of Delegates be hereby directed to draw his warrants to said persons hereinafter named for the several amounts specified, payable out of the contingent fund of the House, and the auditor is hereby authorized and directed to pay the same as follows:

To

Albert Shuman	\$35.10
E. E. White.....	41.10
Robert E. Guy.....	36.10
Wm. J. Snee.....	36.10
J. H. McGrew.....	36.10
A. Rightmire	37.10
David C. Reay.....	42.00

Which, under the rules, lies over one day.

The following bill was introduced, on motion for leave, and read by its title:

By Mr. Brand:

House Bill No. 14—"A Bill to amend chapter fifty-one of the West Virginia code of one thousand nine hundred and thirteen by adding thereto a new section to be numbered seventeen, providing a fee for the issuance of commissions to state commissioners."

Unanimous consent being given,

On motion of Mr. Brand, reference of the bill to a committee was dispensed with, read a first time and ordered to its second reading.

The following bills were introduced, on motions for leave, read by their titles, and referred to the appropriate committees:

By Mr. Moore:

House Bill No. 15—"A Bill equalizing the obligations and burdens of the inhabitants of the state by imposing a special annual tax on unmarried male inhabitants within specified ages."

Referred to the Committee on the Judiciary.

And,

House Bill No. 16—"A Bill providing for the employment of returning soldiers and sailors, and for the promotion of the welfare of all citizens by securing suitable employment without cost to them; and for the further purpose of disseminating American patriotism among all classes."

Referred to the Committee on Taxation and Finance.

House Bill No. 1—"A Bill continuing the executive and advisory state councils of defense as 'Americanization, reconstruction and development councils of West Virginia,' and prescribing the powers and duties thereof."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Brand, Bray, Byrnes, Calhoun, Capehart, Coleman, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Hale, Hamilton, Harvey, Hendricks, Hilleary, John, Jones, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moulds, Musser, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Parsons, Peck, Perin, Rouss, Summers, Thurmond and Wolfe (Speaker)—43.

The noes were:

Messrs. Blizzard, Brammer, Clements, Coberly, Coon, Cunningham, Fortney (of Harrison), Hall, Hays, Hersman, Howard, Lester, Morris, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Pedigo, Rankin, Richards, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss and Wysong—36.

Absent and not voting:

Messrs. Cox, Grove, Hackney, Hickman, Hobbs, Houvouras, Kern, Moran, Pettigrew, Pridemore, Shaw, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—14.

Ordered, That Mr. John communicate to the Senate the passage of the bill (H. B. No. 1) and ask concurrence therein.

House Bill No. 3—"A Bill to raise additional revenue for payment of the debt of West Virginia to Virginia and for other purposes, by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

On third reading, coming up in regular order for consideration, was read a third time.

On the passage of the bill,

The Speaker declared the roll call postponed until 12 o'clock, *m*.

House Bill No. 8—"A Bill relating to the salaries and compensation of judges and court reporters of the circuit court of the state."

On second reading, coming up in regular order for consideration, was

On motion of Mr. John, laid over, retaining its place on the calendar.

The Speaker declared the House recessed until 12 o'clock *m*.

The House met at the expiration of the recess:

On motion of Mr. Anderson, the House again recessed until 2 o'clock, *p. m*.

AFTERNOON SESSION.

The House met at the expiration of the recess.

The vote on the passage of

House Bill No. 3—"A Bill to raise additional revenue for payment of the debt of West Virginia to Virginia and for other purposes by levying a license tax on the transportation of petroleum and natural

gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

Having been postponed,

Pending the discussion of the bill,

Mr. Neale (of Cabell) moved the previous question,

The question prevailing, the Speaker propounded the main question: "Shall the bill pass with its title?"

And, on that question, the Clerk called the roll, which is as follows:

On the passage of the bill,

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Byrnes, Calhoun, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hamilton, Harvey, Hays, Hobbs, John, Jones, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Thomas, Vaughn, Weiss, Wysong and Wolfe (Speaker)—58.

The noes were:

Messrs. Anderson, Bland, Bray, Capehart, Hale, Hall, Hendricks, Hersman, Hickman, Hilleary, Howard, Kern, Kuykendall, Lantz, Lester, Miller, McClaren, McClintic, McVey, Perin, Pridemore, Sarver,, Summers, Swisher, Thurmond, Twyman and Williams (of Pleasants)—27.

Absent and not voting:

Messrs. Brammer, Cox, Hackney, Houvouras, Pettigrew, Shaw, Vanmeter and Williams (of Ohio)—8.

On motion of Mr. Richards, the title was amended in line one by inserting after the word "revenue" the word "by" and by striking out the following words: "for payment of the debt of West Virginia to Virginia and for other purposes."

Ordered, That Mr. John communicate to the Senate the passage of the bill (H. B. No. 3) and ask concurrence therein.

A message from the Senate, by Mr. Arnold, announced the concurrence of the Senate in the adoption of

SENATE CONCURRENT RESOLUTION No. 2—"Providing for the payment of mileage and per diem of members of the joint special committee appointed under Senate Concurrent Resolution No. 8, regular session, to draft tentative bills for the payment of the Virginia debt judgment."

As amended by the House of Delegates,

The hour having arrived to which

House Bill No. 11—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, was made a special order.

On motion of Mr. Moore, the bill (H. B. No. 11) was made a special order for tomorrow, Thursday, March 20th, at 10 o'clock, A. M.

A message from the Senate, by Mr. Arnold, announced the passage by that body of

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

And asked the concurrence of the House therein.

Unanimous consent being given,

On motion of Mr. Moore

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

Was taken up out of its regular order for immediate consideration, read a first time, reference to a committee dispensed with and ordered to its second reading.

A message from the Senate by

Mr. Sanders announced the passage by that body of

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."

And asked the concurrence of the House therein.

Unanimous consent being given,

Mr. Hilleary offered the following resolution:

WHEREAS, The House of Delegates, by resolution adopted February twenty-one, one thousand nine hundred and nineteen, provided for the correcting, publishing and distribution of the Manual of the Rules of this House, and authorized the extension of the time of F. A. McGrew and one stenographer to be designated by him, for a period of two months from the adjournment of the legislature, at the same per diem, which would require the expenditure of about one thousand dollars, and also directed the superintendent of printing to have the manual of rules printed; and,

WHEREAS, Only two amendments were made by the House to the manual of rules of one thousand nine hundred and fifteen, adopted as the rules of one thousand nine hundred and nineteen, it is only necessary to change the lists of senators, delegates and committees by striking out the lists in the manual of one thousand nine hundred and fifteen and inserting the lists printed in the journals of the legislature; all of which is properly the duty of the Clerk of the House and will require less than a day of his time; therefore, be it

Resolved, by the House of Delegates, That the said F. A. McGrew and a stenographer to be appointed by him be directed not to perform said work, and W. H. C. Curtis, the sergeant-at-arms of the House, be directed not to draw his warrant upon the auditor, and the auditor be directed not to pay the same for the said two months per diem; and be it further

Resolved, That the Clerk of the House be directed and required to correct the said manual of one thousand nine hundred and fifteen by inserting said two amendments to the rules and the lists of senators, delegates and committees, for which no further per diem or compensation shall be allowed or paid the Clerk, and that the superintendent of printing have the same printed when approved by the Speaker of the House, and that the Clerk of the House mail five copies thereof to each member of the Senate and House.

On motion of the same gentleman the rules were suspended and the resolution was taken up for immediate consideration and adopted.

Unanimous consent being given,

Mr. McCauley offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 4.

WHEREAS, The department of the interior has under consideration and will present to congress at its next session, regular or special, certain soldier settlement legislation, which, if acted upon favorably, will provide for creating projects in the several states where former soldiers and sailors may obtain and develop land suitable for the establishment of homes; and,

WHEREAS, It is desirable that the state of West Virginia co-operate with the federal government, in the event of such federal legislation, to the end that one or more of such projects be established within the state; therefore, be it

Resolved, That the governor be and is hereby authorized, in the event of the passage by congress of soldier settlement legislation, to appoint a committee of five public-spirited citizens of the state to co-operate with the federal government in securing information relative to possible locations for projects and to aid in obtaining such project or projects for the state of West Virginia.

Which, under the rules, lies over one day.

Unanimous consent being given,

On motion of Mr. McClintic

Senate Bill No. 1—"A Bill to amend and re-enact section two of chapter one hundred and twenty-six of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to the rate and manner of laying levies for taxation."

Was taken up out of its regular order for consideration, read a first time, reference to a committee dispensed with, and ordered to its second reading.

Unanimous consent being given, the following bill was introduced:

By Mr. Richards (by request):

House Bill No. 17—"A Bill to provide revenue for the state by levying a license tax on the operation of gas pumping stations and gas compressing stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such taxes, de-

fining the duties of the said tax commissioner hereunder and regulating the operation of gas pipe lines, gas pumping plants and gas compressor stations."

Referred to the Committee on Taxation and Finance.

Unanimous consent being given,

On motion of Mr. McClintic

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."

Was taken up out of its regular order for immediate consideration, read a first time, reference to a committee dispensed with and ordered to its second reading.

Unanimous consent being given,

On motion of Mr. Cuppett

SENATE JOINT RESOLUTION No. 1.

"Requesting the president of the United States and congress to consider the advisability of enacting laws permitting the use of the army of the United States, when necessary, for the preservation of order and the suppression of riots and insurrection in the several states."

WHEREAS, The creation or organization of an army to carry on the war between the United States of America and the central empires of Europe resulted in absorbing into the military establishment of the United States the various state military organizations heretofore known as the national guard of the states; and,

WHEREAS, It is necessary for the preservation of order and tranquility to have at the command of the executives of the respective states a military force, and the national guards as they existed prior to the declaration of the war above mentioned must be reorganized, or some other military force be substituted in the place and stead of such national guards; and,

WHEREAS, It is the opinion of the legislature of the state of West Virginia that the maintenance of forty-eight separate military establishments within the forty-eight several states of the union constitutes an unnecessary burden upon the taxpayers of the different states, which burden is not justified by any effective service which such military establishments can render to the general government in time of war; and,

WHEREAS, It is the opinion and belief of the members of the legislature of West Virginia that the regular military establishment maintained by the United States of America in times of peace is ample for the preservation of order throughout the entire United States, and that the use of such military force or power for such purpose will be beneficial to the men and officers enlisted and employed in the United States army; and

WHEREAS, We believe that any reasonable objection to the centralizing tendencies which might be emphasized by such use of the military establishment of the United States can be answered and met by the enactment of a law directing the president of the United States to place at the command of the governor of any state, under their own officers, such number of soldiers in the national service as may from time to time be required by the governor of any state for the preservation of order and tranquility within the borders of the state; and,

WHEREAS, This course commends itself to our judgment not only for the saving in taxation which will result therefrom, but we believe it will result in maintaining the bonds of sympathy and good feeling between the people generally and the soldiers in the army of the United States by keeping them in contact with each other and by arousing in the minds of the citizens generally a sense of gratitude for the security and tranquility which the soldiers by their services assure unto them. At the same time the healthful exercises afforded to the soldiers in the army of the United States in rendering the services contemplated, will break the tedium or monotony of army life in stations and barracks in time of general peace; therefore, be it

Resolved, by the Senate of West Virginia, the House of Delegates concurring therein:

That the president of the United States and the congress of the United States be respectfully requested to consider the advisability of enacting laws which shall permit the use of the army of the United States in and throughout the several states of the union for the preservation of order, as well as suppression of riots and insurrections.

Resolved, further, That a copy of these resolution be transmitted to the president of the United States, to each member of the senate and house of representatives of the congress of the United States, and to the governor of each state.

Was taken up out of its regular order for immediate consideration and adopted.

On the adoption of the resolution,

The ayes were:

Messrs. Blackhurst, Bannister, Bland, Blizzard, Brand, Byrnes, Calhoun, Capehart, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Jones, Kuykendall, Lantz, Lester, Miller, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Summers, Swisher, Taylor, Thomas, Twyman, Vaughn, Weiss, Williams (of Pleasants) and Wysong—74.

The noes were:

Messrs. Bray, Clements, Cosner, Kern, Mollohan, Neal (of Webster), Thurmond and Mr. Speaker (Wolfe)—8.

Absent and not voting:

Messrs. Anderson, Brammer, Cox, Hackney, Houvouras, Mahan, Pettigrew, Sarver, Shaw, Vanmeter and Williams (of Ohio)—11.

Ordered, That Mr. Cuppett communicate to the Senate the concurrence of the House of Delegates in the adoption of the resolution (S. J. R. No. 1).

On motion of Mr. Wysong, the House adjourned.

THURSDAY, MARCH 20, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Mr. Blackhurst, member of the House from the county of Pocahontas.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Mr. Fortney (of Preston) offered the following resolution:

WHEREAS, There are a number of members of this House prevented by illness from attending this special session of the state legislature; and

WHEREAS, among the number are Hon. Leroy Shaw, member from Preston; Hon. S. A. Williams, member from Ohio; Hon. George S. Vanmeter, member from Grant; Hon. W. T. Cox, member from Wirt, and others whose term of illness has been of shorter duration; therefore be it

Resolved, That the members of this House, by these presents, hereby express heartfelt sympathy for each and all of them in their illness and the wish that they may experience rapid and permanent restoration to health.

Resolved, further, That the Clerk of the House be instructed to forward to each of the members so detained at their homes a copy of this resolution.

On motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

The following bill was introduced, on motion for leave, read by its title and referred to the appropriate committee:

By Mr. McClintic:

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

Referred to the Committee on Taxation and Finance.

The hour having arrived to which

House Bill No. 11—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, was made a special order.

On motion of Mr. Anderson,

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the

United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading,

Was taken up for immediate consideration, in lieu of House Bill No. 11.

Mr. Moore demanded that bill (S. B. No. 9) be read section by section.

The demand being sustained, the Clerk proceeded to read the bill section by section.

Mr. Lantz moved to amend the bill on page two, line nine, by striking out the word "desires" and inserting in lieu thereof the words "finds it necessary."

Which amendment did not prevail.

Mr. Peck moved to amend the bill on page six, section three, line three, by striking out after the word "state," the words "or at such agency in the state of New York as may be designated by the State of West Virginia at the option of the holder," and

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Cosner, Ferguson, Harvey, Hays, Hersman, Lester, McPherson, Neal (of Webster), Peck, Rankin, Sarver, Starcher, Summers, Taylor, Williams (of Pleasants) and Wysong—16.

The noes were:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Brand, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Hendricks, Hilleary, Hobbs, Howard, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulda, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Scott, Shomo, Spangler, Stover, Sturm, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss and Wolfe (Speaker)—70.

Absent and not voting:

Messrs. Brammer, Cox, Hickman, Houvouras, Shaw, Vanmeter and Williams (of Ohio)—7.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

Mr. Peck moved to amend the bill on page six, section three, line eight, after the word "at" by inserting the words "the market value, but at not to exceed."

Which amendment did not prevail.

Mr. Peck moved to amend the bill on page six, section three, line fourteen, after the word "state" by striking out the words "or at the New York agency above referred to, at the option of the holder,"

Which amendment did not prevail.

Mr. Rankin moved to amend the bill on page eight, line twenty-six, by striking out the words "like gold coin" and inserting in lieu thereof the words "legal money of the United States."

Which amendment did not prevail.

Mr. Anderson moved to amend the bill on page ten, in section six, by striking out all that follows after the word "aforesaid" in line eight, down to and including the word "act" in line fourteen.

Which amendment did not prevail.

On motion of Mr. Ferguson, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Pursuant to resolution adopted by the House of Delegates on March 13th, the Speaker announced the appointment of Carrie L. Hood as stenographer.

Mr. Peck moved to amend the bill (S. B. No. 9) on page fifteen, section seven, line thirteen, by inserting after the word "the" the words "Virginia debt."

Which motion did not prevail.

Mr. Lantz moved to amend the bill by inserting on page sixteen, line twenty-eight, after the words "West Virginia" the words "in a newspaper published in Wheeling, West Virginia."

Which motion did not prevail.

A message from the Senate, by Mr. Hough, announced the concurrence by that body in the House amendment to

SENATE CONCURRENT RESOLUTION No. 3—"Providing for the payment of per diem and mileage of members of the joint special com-

mittee appointed under House Concurrent Resolution No. 15, regular session, to investigate and report on state police protection, and for the payment of sundry contingent expenses incurred by said committee."

WHEREAS, the legislature on the twenty-first day of February, one thousand nine hundred and nineteen, regular session, adopted House Concurrent Resolution No. 15, providing for the appointment of a joint committee to investigate and report on state police protection for the consideration of the legislature; and

WHEREAS, the said concurrent resolution provided that the members of such committee were "entitled to receive the same pay as members of the legislature actually employed in such work, and also receive such mileage as members of the legislature receive"; and

WHEREAS, the said joint committee on state police protection was in session eight days, and it further appears that the members of the aforesaid committee traveled the number of miles herein set forth:

Elmer Hough	502 miles
Cost of stenographic work on report for use of committee....	\$16.50
Telegraph messages and phone tolls.....	8.75
Expenses paid to Captain L. S. Pitcher, of Pennsylvania State Police Force, incurred in appearing before committee....	75.00
Edgar B. Stewart	602 miles
A. E. Scherr	
Carl H. Hunter	454 miles
G. K. Kump	1,018 miles
Geo. W. McClintic (for stenographic work).....	\$5.00
J. M. McVey	120 miles
H. K. Stover	680 miles
J. S. Thurmond	238 miles
B. R. Twyman	332 miles
M. J. Malamphy, Jr.	602 miles

Per diem for eight days as in regular session.

Therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Clerk of the Senate and the sergeant-at-arms of the House of Delegates be, and they are hereby directed, to issue their warrants upon the auditor, payable, respectively, to the members of the Senate and the members of the House of Delegates comprising said joint committee, for mileage at the rate of ten cents per mile as set forth in the foregoing list, and for per diem at the rate of four dollars for

eight days and for the necessary contingent items listed, said war-rants to be drawn on the contingent funds of the Senate and the House of Delegates, respectively.

A message from the Senate, by Mr. Sanders, announced that the Senate had amended by substitution and adopted as amended

Senate Substitute for

HOUSE CONCURRENT RESOLUTION No. 2—"Concerning the league of nations."

"Resolved, That it is the sense of the legislature of West Virginia that the adoption by the United States of America of the proposed constitution for a league of nations would be unwise. That while we believe that an agreement should, if possible, be entered into limiting armament and otherwise tending toward the prevention of war, that we regard the proposed league of nations as an abandonment of the Monroe doctrine and of our traditional policy of avoiding entangling alliances with European nations; that most of the provisions of the proposed constitution for a league are so vague and indefinite as to be occasions for future disputes and wars rather than aids to the preservation of peace; and that in general, where the provisions of the said proposed constitution are clear, they commit us to the performance of duties throughout the world the assumption of which, on the part of this country, would be most unwise; be it

Further resolved, That we approve the course of those United States senators who have expressed their unwillingness to ratify a treaty binding us to the provisions of the proposed constitution for a league of nations; and that a copy of these resolutions be furnished to each of the United States senators from West Virginia."

And asked the concurrence of the House therein.

Mr. Moore moved to amend the bill (S. B. No. 9) on page sixteen, section eight, by adding at the end of line eleven the following:

"Provided, however, that if there be other funds in the state treasury in any fiscal year, not otherwise appropriated, or if other sources of revenue be hereafter provided by law for the purpose, the board of public works is authorized, empowered and directed to set apart in any year there be such funds, or other sources of revenue provided for such purpose, a sum sufficient to pay the interest on said bonds accruing during the current year, and the principal of all bonds to be purchased or redeemed during any such year."

Whereupon,

Mr. Richards, by way of substitution, moved to amend the bill on page sixteen by striking out all of section eight and inserting in lieu thereof the following:

Section 8. In order to provide the revenues for the payment of the principal on said bonds as hereinbefore provided, the board of public works of this state is authorized, empowered and directed to set aside annually from the revenues of the state, not otherwise appropriated, a sum sufficient to pay the interest on said bonds accruing during the current year, and the principal of all bonds to be purchased or redeemed during that year, as hereinbefore provided.

In case there are not available or sufficient funds in the treasury of the state for the purpose of paying annually the interest and principal aforesaid, then the board of public works is authorized, empowered and directed to lay a tax upon all real and personal property subject to taxation within the state, sufficient to pay all or the residue of said principal and interest so accruing, which tax shall be collected according to law, and paid into the treasury of the state, to the credit of the fund aforesaid, and shall not be liable for appropriation for any other purpose.

Pending the discussion,

Mr. Kuykendall moved the previous question.

The question prevailing, the Speaker propounded the main question "Shall the amendment offered by Mr. Moore be adopted?" and

On that question,

Mr. Moore demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Byrnes, Clements, Coberly, Coleman, Coon, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hamilton, Harvey, Hays, Hobbs, Howard, John, Jones, Lantz, Lester, Mahan, Mollohan, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Pettigrew, Rankin, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Thomas, Vaughn, Weiss and Wysong—53.

The noes were:

Messrs. Anderson, Bland, Bray, Calhoun, Capehart, Cunningham, Hale, Hall, Hendricks, Hersman, Hickman, Milleary, Kern, Kuykendall, Miller, Moran, McCauley, McClaren, McClintic, McVey, Perin,

Pridemore, Richards, Rouss, Sarver, Scott, Summers, Swisher, Thurmond, Twyman, Williams (of Pleasants) and Wolfe (Speaker)—32.

Absent and not voting:

Messrs. Brammer, Cox, Grove, Hackney, Houvouras, Shaw, Vanmeter and Williams (of Ohio)—8.

So, a majority of all the members present and voting having voted in the affirmative, the amendment prevailed.

The question recurring on the adoption of the substitute amendment offered by Mr. Richards,

On that question,

Mr. Neal (of Webster) demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bland, Bray, Cunningham, Hall, Hendricks, Hersman, Kuykendall, Lantz, Miller, McClintic, McVey, Neal (of Webster), Otto, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Sturm, Summers, Taylor, Thurmond, Twyman, Williams (of Pleasants) and Wolfe (Speaker)—29.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Brand, Byrnes, Calhoun, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hamilton, Harvey, Hays, Hickman, Hilleary, Hobbs, John, Jones, Kern, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Parsons, Peck, Pedigo, Shomo, Spangler, Starcher, Stover, Swisher, Thomas, Vaughn, Weiss and Wy-song—56.

Absent and not voting:

Messrs. Brammer, Cox, Hackney, Houvouras, Howard, Shaw, Vanmeter and Williams (of Ohio)—8.

So, a majority of all the members present and voting not having voted in the affirmative, the substitute did not prevail.

Mr. Wysong moved to amend the bill by adding thereto the following section:

Section 13. *Provided*, that this bill before becoming effective shall be submitted to a vote of the people at the next general election, and be approved by a majority of all the votes cast both for and against

the adoption of this act. There shall be on the ballot two squares for marking a cross. Opposite one must be printed "For the payment of Virginia Debt." Opposite the other must be printed "Against the payment of Virginia Debt."

And on that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered taken,

Pending which,

Mr. Vaughn moved that the House adjourn,

Which motion did not prevail.

On motion of Mr. Parsons, the House adjourned.

FRIDAY, MARCH 21, 1919

The House met at 10 o'clock, A. M.

Prayer by Rev. Mr. Rankin, member of the House from the county of Jackson

Pending the reading of the Journal of yesterday,

On motion of Mr. Sarver, the further reading thereof was dispensed with.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

And report the same back with the recommendation that it do pass.

Respectfully submitted,

S. L. PARSONS, *Chairman*.

On motion of Mr. McCauley, the bill (H. B. No. 18) was taken up for immediate consideration, read a first time and ordered to its second reading.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 17—"A Bill to provide revenue for the state by levying a license tax on the operation of gas, pumping stations and gas compressing stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such taxes, defining the duties of the said tax commissioner hereunder and regulating the operation of gas pipe lines, gas pumping plants and gas compressor stations."

And report the same back without recommendation.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

On motion of Mr. Richards, the bill (H. B. No. 17) was ordered printed by the House.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

House Bill No. 16—"A Bill providing for the employment of returning soldiers and sailors, and for the promotion of the welfare of all citizens by securing suitable employment without cost to them; and for the further purpose of disseminating American patriotism among all classes."

And report the same back with the recommendation that it do not pass.

Respectfully submitted,

S. L. PARSONS, *Chairman.*

House Bill No. 16, having been reported by its title, the Speaker propounded the question: "Shall the bill be rejected?"

The vote being taken, the bill was rejected.

Mr. Thomas offered the following resolution:

WHEREAS the "benedicts" of West Virginia have been insulted and humiliated by a bill introduced to put an exorbitant tax upon them; and

WHEREAS, protests have been received from all over the state from thousands of the gentlemen effected; and

WHEREAS word has gone out over the state of such action by thus giving the "benedicts" a lot of unnecessary advertising; therefore, be it

Resolved. That the papers answering the bill of the disgruntled married be printed in the Journal of the House."

Which, under the rules, lies over one day.

The papers referred to in the resolution offered by Mr. Thomas, and ordered printed in the Journal, are as follows:

"Mr. Speaker: We recognize in the bill introduced by the gentleman from Marshall a new unrest, a dangerous form of propaganda, a new arm of the bolsheviki. We, of the single bliss, do not know whether this move is personal or not, but we have a strong feeling that our friend, the gentleman from Marshall, from the looks of his head, has suffered to the breaking point in just what he asks the bachelors to do, and that this bill only speaks the jealousy of the married mer at the ease, happiness and contentment of us single men.

Do the gentlemen know what they ask for, Mr. Speaker, when they desire to pick out all the unfortunates in the state and compel them to pay a heavy tax just to breathe the air of the grand old Mounta'in State? I say to you, sir, that this bill will never do. Think of the candy stores that will go out of business; the florists that will close their doors and roadhouses that will stop selling 'moonshine' because you are taking away all the spare money that the bachelors make for taxes, and it is well known that married men never buy their wives flowers or candy or have enough money to buy the precious spirits, such as apple jack, etc., at sixteen dollars per quart.

We will remind the gentlemen that are married we have noticed that too often silks have turned to cotton long before the hair of Maggie turns to silver gray, which makes us wonder if there are not a number of these ladies who wished many a time since they jumped the broom stick that there were one more bachelor in West Virginia and that she were an old maid once again instead of being the unhappy end of a hard knot.

This bill Mr. Speaker, has a tendency to give the black eye to a single man, and I say to you, sir, that one reason that there are so many single men in West Virginia is because they were not as slick-tongued as some of the gentlemen now in double harness; and, sir, to my knowing, there are old bachelors and young bachelors who are a

thousand times more attentive to their obligations than a great many men are to their wives and families. There are lots of reasons for the bachelors not marrying, but of all reasons, is it no wonder to you, sir, with the divorce dockets always full to overflowing and the awful things heard, charges and counter-charges, when they come to the bar of justice for a hearing, that young men, such as we are, shy when we meet the real thing and it is a question of say something or get out?

Now, I ask you, sir, if the gentleman from Marshall intends to attack bachelors, why not ladies over sixteen who are unmarried? I say over sixteen because, sir, this is as high as the Sun almanac ordered to its second reading.

gives the ages of ladies. Of course, I must say that the gentleman from Webster was almost right when he exclaimed: 'What in the devil will a poor fellow do when no one will have him!' Understand, Mr. Speaker, we, of the single bliss, do not attempt to shirk any duties. yet we feel that we and our worthy brothers scattered all over this grand old Mountain state, who have never partaken of the 'soul kisses,' or drunk at the fountain of matrimony, or ever heard the strains of our wedding march, or listened to the patter of feet, or the licking of the tongues for candy of a dozen little angels have missed enough in life without these accessories. We have no one to rub our heads, patch our shirts, darn our socks, make our bread—and yet you would add to our misery and already heavy burdens by taxing us to death. Again, my friends, a tax of twenty-five dollars is simply outrageous for the majority of men who would have to pay the tax are men who work in construction camps and mining camps, and you would find that those who are here would leave and it would be impossible to ever bring in transportation for any construction or meet a demand for labor in any line. I am not opposing this bill because it effects our county, for we only have one man who is not assisting others in the world and he, being too old, is exempt.

Then, again, we most seriously object to the assertion that we are to blame for being classed as unmarried men for the reason ladies are these days so independent they can go out and make as much money as men, and in some cases more. As an example, the stenographers of this House receive six dollars per day, while the delegates only receive four dollars per day. A great many women will not marry a man unless he makes more money than she does, and while we do not blame her, we do think they should not point their finger of accusation and scorn at us under the circumstances.

Now, Mr. Speaker, we would not for a minute believe that this large body of men, comprising the brains of West Virginia, do not like the fair sex, for each and every one of us do, and often have we cast an eye of envy over the form of some fair damsel, but out of respect and truthfulness we could not ask them to share our burdens nor tell a story to cover up our defects as we understand a few who crossed the 'river of doubt' have done.

We 'benedicts' wonder what would happen were we to start writing home what we know of the married men all over the state and their doings while away from home. We venture the assertion that they would, to a man, throw up their hands and yell 'kamerad! kamerad!'

Mr. Speaker, in conclusion, sir, I move we table this bill and let it die, never to be brought up and cast its ugly shadow across the pathway of the bachelors again.

God bless the women!"

The following bill was introduced, on motion for leave, and read by its title:

By Mr. McPherson:

House Bill No. 19—"A Bill to fix the fees for the renewal of certain class of teachers' certificates and to determine the conditions upon which such fees are payable."

On motion of Mr. McPherson, reference of the bill to a committee was dispensed with; read a first time and ordered to its second reading.

Mr. Swisher offered the following resolution:

WHEREAS, The House of Delegates, by resolution adopted February twenty-first, one thousand nine hundred and nineteen, provided that the per diem of the Clerk of the Finance Committee be extended ninety days to complete his work and file the papers and other documents lodged with the Finance Committee, and to compile and publish in the corrected journal a statement of appropriations; and,

WHEREAS, No work in addition to the services of said Clerk is required in the filing of such papers and documents, and there is no necessity for the publication of a statement of appropriations, the corrected journal having been already published; therefore, be it

Resolved, by the House of Delegates, That the work required by said resolution is unnecessary for any public purpose and would involve a large expenditure of public money in payment of such per diem and the printing of such statement &c; and,

Resolved, further, That the said Clerk be directed not to perform any of the work mentioned in the said resolution.

Referred to the Committee on Rules.

On motion of Mr. Richards,

House Bill No. 17—"A Bill to provide revenue for the state by levying a license tax on the operation of gas, pumping stations and gas compressing stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such taxes, defining the duties of the said tax commissioner hereunder and regulating the operation of gas pipe lines, gas pumping plants and gas compressor stations."

Was taken up for immediate consideration, read a first time, and ordered to its second reading.

Mr. Nutter offered the following resolution:

HOUSE CONCURRENT RESOLUTION NO. 5.

"Providing for the erection of permanent flagstaffs on the state house grounds."

WHEREAS, There has long existed the necessity of a permanent flagstaff, or flagstaffs, on the state house grounds, whereon the American flag may be prominently displayed; and,

WHEREAS, The flagstaffs on the top of the capitol building are difficult of access and attention, and very frequently out of order, and the making of repairs is accompanied with a measure of danger to the janitor's force, and the flags so high in the air as to be almost invisible when the staffs are in order; therefore, be it

Resolved, by the House of Delegates, the Senate concurring therein:

That the board of public works be, and it is hereby instructed to contract for, purchase and have erected two iron or steel flagstaffs on the state house grounds, one at either side of the main entrance to the grounds, and that the cost of such purchase and construction be paid for out of such contingent fund as may be available for purposes of this nature.

Referred to the Committee on Taxation and Finance.

The following bill was introduced, on motion for leave, read by its title and referred to the appropriate committee:

By Mr. Hersman (by request):

House Bill No. 20—"A Bill to amend and re-enact sections one and one hundred twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99)

of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

Referred to the Committee on Taxation and Finance.

Mr. McClintic moved to take

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."

From the table, and

On that question, the same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered taken,

Pending which,

Mr. Stover rose to discuss the bill, and

Mr. Thurmond rose to the point of order that the motion to take the bill from the table was not debatable.

Which point of order the Chair held well taken.

Whereupon,

Mr. Stover rose to the right of personal privilege, and

The Chair held it was not proper as a right of personal privilege, to discuss the bill, on a motion to take from the table.

Mr. Wysong rose to the point of order, that under rule 76, the rules must be dispensed with, before a motion to take the bill from the table would be in order.

Which point of order the Chair held not well taken.

Mr. Richards rose to the point of order that "rule 76 states that a bill can be taken from the table, but does not state how, and that Roberts' rules of order provides how it can be taken from the table."

Which point of order, the Chair held not well taken.

The question recurring on the motion of Mr. McClintic, to take the bill (H. B. No. 4) from the table, and

On that question, the demand for the ayes and noes having been sustained and ordered, they were taken as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Grove, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lester, Mahan, Miller, Mollohan, Moran, Morris, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—42.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coleman, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hall, Hendricks, Hersman, Hobbs, Howard, Jones, Lantz, Moore, Moulds, Musser, McCauley, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—43.

Absent and not voting:

Messrs. Brammer, Cox, Hackney, Hale, Houvouras, Shaw, Vanmeter and Williams (of Ohio)—8.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

Resolution offered by Mr. Moore, Chairman of the Committee on the Judiciary:

WHEREAS, On the twentieth day of February, one thousand nine hundred and nineteen, this House adopted a resolution authorizing and directing the sergeant-at-arms of the House of Delegates to draw his warrants to certain persons named in said resolution for the several amounts specified therein, payable out of the contingent fund of the House, for mileage and per diem as witnesses summoned in the matter of the impeachment charges against George C. Sturgiss, judge of the twenty-third judicial circuit of West Virginia, which said resolution is found on pages twenty-nine, thirty and thirty-one of the Journal of the House of Delegates for the twentieth day of February, one thousand nine hundred and nineteen; and,

WHEREAS, In making up the list of the witnesses summoned certain names were omitted from said list of witnesses reported to the House; and,

WHEREAS, The names of said witnesses, the mileage and per diem to which they are entitled has since been reported to the Judiciary Committee; now, therefore, be it

Resolved, That the sergeant-at-arms of the House of Delegates be hereby directed to draw his warrants to said persons hereinafter named for the several amounts specified, payable out of the contingent fund of the House, and the auditor is hereby authorized and directed to pay the same as follows:

To

Albert Shuman -----	\$35.10
E. E. White-----	41.10
Robert E. Guy-----	36.10
Wm. J. Snee-----	36.10
J. H. McGrew-----	36.10
A. Rightmire -----	37.10
David C. Reay-----	42.00

Coming up in regular order for consideration, was read by the Clerk and adopted.

HOUSE CONCURRENT RESOLUTION No. 4.

WHEREAS, The department of the interior has under consideration and will present to congress at its next session, regular or special, certain soldier settlement legislation, which, if acted upon favorably, will provide for creating projects in the several states where former soldiers and sailors may obtain and develop land suitable for the establishment of homes; and,

WHEREAS, It is desirable that the state of West Virginia co-operate with the federal government, in the event of such federal legislation, to the end that one or more of such projects be established within the state; therefore, be it

Resolved, That the governor be and is hereby authorized, in the event of the passage by congress of soldier settlement legislation, to appoint a committee of five public-spirited citizens of the state to co-operate with the federal government in securing information relative to possible locations for projects and to aid in obtaining such project or projects for the state of West Virginia.

Coming up in regular order for consideration, was read by the Clerk and adopted.

Ordered, That Mr. McCauley communicate to the Senate the adoption of the resolution (H. C. R. No. 4) and asked concurrence therein.

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, pending amendments, coming up in regular order for consideration.

Mr. Richards lodged the following motion:

That the House reconsider the vote by which it on yesterday refused to adopt amendment to the bill (S. B. No. 9) on page ten, in section six, to strike out all that follows after the word "aforesaid" in line eight, down to and including the word "act" in line fourteen.

Mr. Wysong moved that the bill (S. B. No. 9) be laid over until Monday, March twenty-fourth, retaining its place on the calendar.

Mr. Anderson rose to the point of order that the motion to lay the bill over until Monday was out of order while another motion was pending.

Which point of order the Chair held not well taken.

The question recurring on the motion of Mr. Wysong to lay the bill (S. B. No. 9) over until Monday.

On that question,

Mr. Neal (of Webster) demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bannister, Blizzard, Brand, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Harvey, Hickman, Hobbs, John, Jones, Kuykendall, Mahan, Mollohan, Moore, Moran, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Rankin, Richards, Scott, Shomo, Spangler, Starcher, Stover, Sturm, Taylor, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—54.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Bray, Calhoun, Hale, Hall, Hamilton, Hersman, Hilleary, Howard, Kern, Lantz, Miller, Mc-

Cauley, McClaren, McClintic, McVey, Perin, Pettigrew, Pridemore, Rouss, Sarver, Summers, Swisher, Thomas, Thurmond and Twyman—28.

Absent and not voting:

Messrs. Brammer, Cox, Hackney, Hays, Hendricks, Houvouras, Lester, Moulds, Shaw, Vanmeter and Williams (of Ohio)—11.

So, a majority of all the members present and having voted in the affirmative, the motion prevailed.

House Concurrent Resolution No. 2, with Senate substitute amendment, coming up in regular order for consideration.

The substitute resolution proposed by the Senate was reported by the Clerk and agreed to.

The substitute resolution is as follows:

HOUSE CONCURRENT RESOLUTION No. 2.

"Concerning the league of nations."

Resolved, That it is the sense of the legislature of West Virginia that the adoption by the United States of America of the proposed constitution for a league of nations would be unwise. That while we believe that an agreement should, if possible, be entered into-limiting armament and otherwise tending toward the prevention of war, that we regard the proposed league of nations as an abandonment of the Monroe doctrine and of our traditional policy of avoiding entangling alliances with European nations; that most of the provisions of the proposed constitution for a league are so vague and indefinite as to be occasions for future disputes and wars rather than aids to the preservation of peace; and that in general, where the provisions of the said proposed constitution are clear, they commit us to the performance of duties throughout the world the assumption of which, on the part of this country, would be most unwise; be it

Further resolved, That we approve the course of those United States senators who have expressed their unwillingness to ratify a treaty binding us to the provisions of the proposed constitution for a league of nations; and that a copy of these resolutions be furnished to each of the United States senators from West Virginia."

The substitute resolution proposed by the Senate was then adopted.

Ordered, That Mr. Wysong communicate to the Senate the concurrence of the House of Delegates in the adoption of substitute for House Concurrent Resolution No. 2.

House Bill No. 8—"A Bill relating to the salaries and compensation of judges and court reporters of the circuit courts of the state."

On second reading, coming up in regular order for consideration,
was

On motion of Mr. John, laid over, retaining its place on the calendar.

House Bill No. 13—"A Bill to amend and re-enact chapter nine, of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, and being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."

On second reading, coming up in regular order for consideration, was read a second time.

On motion of Mr. Lantz, the bill was amended as follows:

Section one, by striking out lines one to thirty-three inclusive and line thirty-four to and including the word "thereof," and inserting in lieu thereof the following:

Sec. 1. "In each county of the state of West Virginia, the sheriff, prosecuting attorney and circuit clerk shall, within thirty days after this act becomes effective, submit to the county court a list of persons, who are willing to serve as hereinafter provided, between the ages of twenty-one and forty-five years, inclusive, who shall be male citizens of good moral character and residents of said county, and who have never been convicted of crime, and shall be, so far as practicable, men of previous military training, and the said county court shall forthwith select from the said list one name for every two thousand persons, or nearest fraction thereof in said county, based upon the population as shown by the last census; and the persons so selected shall be appointed by said court as special deputy sheriffs for a period of three years; and the said county court shall, so far as it is practicable to do so, apportion the said appointments among the several districts of the county according to the population."

On motions of Mr. O'Connor, severally made, the bill was amended as follows:

On page five, line thirty-five, by striking out the words "the said two classes" and inserting in lieu thereof the word "appointment."

On page seven, line twenty-six, by striking out the word "number" and inserting in lieu thereof the word "member."

On page eight, section five, line eight, by inserting after the first word "for" the following: "Upon an itemized statement of per diem and expenses rendered by the sheriff or deputy in charge, rendered to and approved by the county court of said county."

In same section, line ten, by striking out all of that line, after the word "treasury" down to and including the word "paid" in line eleven.

On page five, line thirty-six, by striking out the words "not performing labor."

On motions of Mr. Wysong, severally made, the bill was amended as follows:

On page five, line forty-eight, by striking out the words "or private organization."

On page five, line fifty-one, by inserting after the word "person" the words "as a detective or police."

On page five, lines fifty-one and fifty-two, by striking out the words "and employing more than twenty men."

On page ten, section ten, by striking out lines six and seven and inserting in lieu thereof the following:

"When on duty they are empowered to make arrests for crime committed in their presence or on warrants issued by any officer authorized by law to issue said warrants or to prevent crime being committed and any other power conferred by law on constables and sheriffs, for the enforcement of the criminal law."

Mr. Miller moved to amend the bill on page eight, section five, line four, by inserting after the word "of" the words "one hundred (\$100.00) dollars per year and."

Which amendment did not prevail.

Mr. Neal (of Webster), moved to amend the bill by striking out the enacting clause.

Which amendment did not prevail.

The bill (H. B. No. 13), as amended, was then ordered to its engrossment and third reading.

On motion of Mr. Harvey, the House recessed until 2 o'clock P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. McClintic moved to take from the table for immediate consideration

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and deter-

mine charges to be filed against any member of the state police for misconduct in office."

And on that question, the same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending which,

Mr. Moore rose to the point of order that the motion of Mr. McClintic to take House Bill No. 4 from the table was not in order.

Which point of order the Chair held not well taken.

Mr. Neale (of Cabell) moved that the House adjourn until Monday, March 24th, at 10 o'clock, A. M.

And on that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the announcement of the vote,

Mr. Wysong moved that the announcement of the vote be postponed until tomorrow, March 22nd, at 10 o'clock, A. M., and

On that question, the same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Packhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Hersman, Hobbs, Howard, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—38.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller Mollohan, Moran, Moulds, McCauly, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pride-more, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—45.

Absent and not voting:

Messrs. Brammer Coleman, Cox, Grove, Hackney, Houvouras, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

In same section, line ten, by striking out all of that line, after the word "treasury" down to and including the word "paid" in line eleven.

On page five, line thirty-six, by striking out the words "not performing labor."

On motions of Mr. Wysong, severally made, the bill was amended as follows:

On page five, line forty-eight, by striking out the words "or private organization."

On page five, line fifty-one, by inserting after the word "person" the words "as a detective or police."

On page five, lines fifty-one and fifty-two, by striking out the words "and employing more than twenty men."

On page ten, section ten, by striking out lines six and seven and inserting in lieu thereof the following:

"When on duty they are empowered to make arrests for crime committed in their presence or on warrants issued by any officer authorized by law to issue said warrants or to prevent crime being committed and any other power conferred by law on constables and sheriffs, for the enforcement of the criminal law."

Mr. Miller moved to amend the bill on page eight, section five, line four, by inserting after the word "of" the words "one hundred (\$100.00) dollars per year and."

Which amendment did not prevail.

Mr. Neal (of Webster), moved to amend the bill by striking out the enacting clause.

Which amendment did not prevail.

The bill (H. B. No. 13), as amended, was then ordered to its engrossment and third reading.

On motion of Mr. Harvey, the House recessed until 2 o'clock p. m.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. McClintic moved to take from the table for immediate consideration

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and deter-

mine charges to be filed against any member of the state police for misconduct in office."

And on that question, the same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending which,

Mr. Moore rose to the point of order that the motion of Mr. McClintic to take House Bill No. 4 from the table was not in order.

Which point of order the Chair held not well taken.

Mr. Neale (of Cabell) moved that the House adjourn until Monday, March 24th, at 10 o'clock, A. M.

And on that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the announcement of the vote,

Mr. Wysong moved that the announcement of the vote be postponed until tomorrow, March 22nd, at 10 o'clock, A. M., and

On that question, the same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Packhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Hersman, Hobbs, Howard, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Persons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—38.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller Mollohan, Moran, Moulds, McCauly, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pride-more, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—45.

Absent and not voting:

Messrs. Brammer Coleman, Cox, Grove, Hackney, Houvouras, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

The question recurring on the motion of Mr. Neale (of Cabell) to adjourn until Monday, March 24th, at 10 o'clock, A. M.

The Clerk announced the vote as follows:

The ayes were:

Messrs. Blackhurst, Blizzard, Byrnes, Clements, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hall, Hendricks, Hickman, Hobbs, Howard, Moore, Musser, McDermitt, McPherson, Neale (of Cabell), Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Sturm, Taylor, Weiss and Wysong—31.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hamilton, Harvey, Hays, Hersman, Hilleary, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Stover, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Williams (of Pleasants) and Wolfe (Speaker)—52.

Absent and not voting:

Messrs. Bannister, Brammer, Coleman, Cox, Grove, Hackney, Heuvouras, Shaw, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

The question recurring on the motion of Mr. McClintic to take House Bill No. 4 from the table for immediate consideration,

The Clerk announced the vote as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—44.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Hersman, Hobbs, Howard, Jones, Mahan, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor,

Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—39.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Grove, Hackney, Houvouras, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting having voted in the affirmative, the motion of Mr. McClintic to take House Bill No 4 from the table for immediate consideration prevailed.

Mr. McClintic moved to amend the bill on page five, section five, line three, by striking out after the word "platoons" the words "and there may be additional companies or platoons in the way and manner hereinafter provided."

Mr. Wysong rose to the point of order that the bill is not in regular order and that it takes a two-thirds vote to take it up out of its regular order for consideration.

Which point of order the Chair held not well taken.

On the adoption of the amendment offered by Mr. McClintic,

Mr. Starcher demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the announcement of the vote,

Mr. Starcher moved that the announcement of the vote be postponed until Monday, March 24th, at 10 o'clock, A. M.

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Hobbs, Howard, Moore, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss and Wysong—30.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Otto, Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Shomo,

Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn and Wolfe (Speaker)—52.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Grove, Hackney, Houvouras, Shaw, Sturm, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—11.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

The question recurring on the adoption of the amendment offered by Mr. McClintic,

The Clerk announced the vote as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Calhoun, Capehart, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Summers, Thomas, Thurmond, Twyman, Vaughn and Wolf (Speaker)—47.

The noes were:

Messrs. Bannister, Blizzard, Byrnes, Clements, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Hersman, Hobbs, Howard, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Sturm, Swisher, Taylor, Weiss and Wysong—36.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Grove, Hackney, Houvouras, Shaw, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—10.

So, a majority of all the members present and voting having voted in the affirmative, the amendment prevailed.

Mr. McClintic moved to amend the bill on page six, section five, line twenty-three, after the word "office" by striking out the following: "The superintendent of public safety may at any time, with the consent and approval of the Governor, evidenced by a proper writing signed by the Governor, and filed in the office of the superintendent, increase the number of companies or platoons, but in no event shall there be more than five companies or platoons created in the state of West Virginia."

And on that question,

Mr. Starcher demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Bray, Byrnes, Calhoun, Capehart, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Williams (of Pleasants) and Wolfe (Speaker)—65.

The noes were:

Messrs. Bannister, Clements, Fitch, Fortney (of Preston), Moore, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Starcher, Stover, Taylor, Weiss and Wysong—17.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Grove, Hackney, Houvouras, Jones, Shaw, Sturm, Vanmeter and Williams (of Ohio)—11.

So, a majority of all the members present and voting having voted in the affirmative, the amendment prevailed.

My Wysong moved to amend the bill by adding thereto a new section to be known as "Section 30."

"Section 30. Before this bill shall become effective it shall be submitted to a vote of the people and approved by a majority of the total number of votes cast both for and against, at the next general election. There shall appear on the general ballot two squares. Opposite one must be the words: 'For the Constabulary Bill.' Opposite the other the words: 'Against the Constabulary Bill.'"

And on that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hendricks, Hobbs, Howard, Jones, Moore, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto. Par-

sons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss, Wysong and Wolfe (Speaker)—34.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hersman, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McVey, Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn and Williams (of Pleasants)—50.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Hackney, Houvouras, Shaw, Sturm, Vanmeter and Williams (of Ohio)—9.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

On motions of Mr. Ferguson, severally made, the bill was amended on page three, section one, line seven, by striking out after the word "of" the word "four" and inserting in lieu thereof the word "three."

On page four, section three, line three, by striking out after the word "of" the words "\$2,400" and inserting in lieu thereof the words "\$2,000."

Mr. Weiss moved to amend the bill on page five, section five, line six, by striking out after the word "of" the word "twenty-one" and inserting in lieu thereof the word "fifteen."

Pending which,

Mr. John moved to amend the amendment by substituting "one thousand eight hundred" in lieu of "one thousand five hundred."

Which amendment to the amendment prevailed.

Mr. Weiss moved to amend the bill on page five, section five, line seven, by striking out "one thousand eight hundred" and inserting in lieu thereof "one thousand two hundred."

Pending which,

Mr. John moved to amend the amendment by substituting "one thousand six hundred" for "one thousand two hundred."

Which amendment to the amendment prevailed.

Mr. Weiss moved to amend the bill on page five, section five, line eight, by striking out "one thousand two hundred" and inserting in lieu thereof "one thousand."

Pending which,

Mr. Ferguson moved to amend the amendment by substituting "one thousand four hundred" for and in lieu of "one thousand."

Which amendment to the amendment did not prevail.

The question recurring on the proposed amendment offered by Mr. Weiss, the amendment did not prevail.

Mr. Blizzard moved to amend the bill on page twenty-four by adding a new section to be known as "Section 30," as follows:

Section 30. *Provided*, That in the event that twenty per cent of the legal voters of the state, based on the vote for United States senator in the election of 1918 petition for a recall of House Bill No. 4, extra session of 1919, said question as to the continuance of this act shall be submitted to the voters of the state at the general election to be held in November, 1920, and if a majority of said votes are in favor of the recall of this act then it shall be held null and void.

And on that question,

Mr. Starcher demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hendricks, Hersman, Hobbs, Moore, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Richards, Spangler, Starcher, Stover, Taylor, Weiss, Wysong and Wolfe (Speaker)—31.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn and Williams (of Pleasants)—52.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Hackney, Houvouras, Howard, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

Mr. Neale (of Cabell) moved that the House adjourn until Monday, March 24, at 10 o'clock, A. M.

And on that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hendricks, Hersman, Howard, Jones, Mahan, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Taylor, Weiss, Wysong and Wolfe (Speaker)—38.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—44.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Hackney, Hobbs, Houvouras, Shaw, Sturm, Vaughn, Vanmeter and Williams (of Ohio)—11.

So, a majority of the members present and voting not having voted in the affirmative, the motion did not prevail.

Mr. McClintic moved the previous question.

The question prevailing, the Speaker propounded the main question: "Shall the bill (H. B. No. 4) be ordered to its engrossment and third reading?" and

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the announcement of the vote,

Mr. Parsons moved that the House adjourn until Monday, March 24th, at 10 o'clock, A. M.

And on that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hendricks, Hersman, Hickman, Hobbs, Howard,

Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Sprngler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—41.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouse, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—43.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Hackney, Houvouras, Shaw, Sturm, Vanmeter and Williams (of Ohio)—9.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to adjourn did not prevail.

The question recurring on the main question: "Shall the bill (H. B. No 4) be ordered to its engrossment and third reading?"

The Clerk announced the vote as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hamilton, Harvey, Hays, Hickman, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouse, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—43.

The noes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hall, Hendricks, Hobbs, Howard, Jones, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—40.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Hackney, Hersman, Houvouras, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, two-thirds of all the members present and voting not having voted in the affirmative, the Chair held the motion did not prevail.

Unanimous consent being given,

On motion of Mr. Parsons, the following newspaper editorial was ordered printed in the Journal:

"BREEDING HATE.

"The vote in the House during the dying days of the legislature expressed the sentiments almost to a man on the constabulary bill. The members voted their sentiments, and were not whipped into line by argument nor suasion of any kind. The vote showed an overwhelming majority against the measure and if the people of the state would have a direct voice on the issue they would smother the bill. The facts are, however, that one element in our complex national life is working for the passage of the bill, and duress, threats, suasion, manipulation and machinations are all being used to influence enough members to take the bill from the table in the House and pass it. When enough members have been attained, or it is believed there have been enough dictated to or influenced, then the test will come.

"Rumors that the supreme effort is to be made today calls for a last word on the subject. It must be remembered that there is no considerable number of persons in West Virginia who are for the constabulary bill. The proponents of the bill belong to one class, the capitalistic class. This class is entitled to every consideration given any other class, but no more, yet this legislation is prompted by this class and for this class alone. It is born of an idea that there is to be class warfare, yet such an idea is a bugaboo to a major extent, for wealth is always entrenched and capital fortified by the sheer possession of wealth and membership in the capitalistic class.

"The trouble about the constabulary bill is that it will not dissipate any antipathy toward capital, but it will intensify this antipathy until it may result in hate. A child instinctively hates a policeman, and surely it could not be said of a child that it is lawless or contemplates being so. The threat that the policeman will get you is now to be put to a test in a great commonwealth and the proud parent, capital, is to use it against the child, labor.

"The unfortunate feature of the legislation, and there are probably well-meaning proponents, is that just at the time when an effort world-wide, is being made to reduce armaments we are embracing

what is being discarded—the philosophy of force.”

A message from the Senate by Mr. Arnold announced the passage by that body of

Senate Bill No. 13—“A Bill to authorize the purchase in the open market of the bonds of this state, issued in the settlement of West Virginia’s part of the Virginia debt.”

And asked the concurrence of the House therein.

Mr Weiss moved that the House adjourn until Monday, March 24, at 10 o’clock, A. M.

On that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bannister, Blizzard, Byrnes, Clements, Coberly, Coon, Cunningham, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hendricks, Hersman, Hickman, Hobbs, Howard, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O’Connor, Otto, Parsons, Pedigo, Rankin, Richards, Scott, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—42.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—42.

Absent and not voting:

Messrs. Brammer, Coleman, Cox, Hackney, Houvouras, Shaw, Sturm, Vanmeter and Williams (of Ohio)—9.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to adjourn did not prevail.

Mr. Coon moved to amend the bill on page nine, section twelve, line four, by striking out after the word “conveyance” the following words: “He shall also provide proper uniforms for all members of the

state police. The superintendent shall prescribe the kind, materials and style of all uniforms both for the officers and privates."

Pending which,

On motion of Mr. Sarver, the House adjourned.

SATURDAY, MARCH 22, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Blackhurst, member of the House from the county of Pocahontas.

Pending the reading of the Journal of yesterday,

• On motion of Mr. Fortney (of Preston), the further reading thereof was dispensed with.

On motion of Mr. Moore, the House recessed until 11 o'clock, A. M.

The House met at the expiration of the recess.

On motion of Mr. Parsons,

House Bill No. 20—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

Which was, on yesterday, introduced and referred to the Committee

on Taxation and Finance, was taken up for immediate consideration, read a first time and ordered to its second reading.

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."

On second reading, being under consideration at the time of adjournment on yesterday, pending the following amendment proposed by Mr. Coon:

To amend the bill on page nine, section twelve, line four, by striking out after the word "conveyance" the following words: "He shall also provide proper uniforms for all members of the state police. The superintendent shall prescribe the kind, materials and style of all uniforms both for the officers and privates."

Which amendment was reported by the Clerk, and did not prevail.

Mr. Moore moved to amend the bill in section one, line three, after the word "the" by striking out the words "Governor by and" and inserting in lieu thereof the words "Board of Public Works," and

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Capehart, Clements, Coon, Fitch, Fortney (of Harrison), Hackney, Hendricks, Hickman, Hobbs, Howard, Moore, Musser, McDermitt, McPherson, Neale (of Cabell), Otto, Parsons, Pedigo, Richards, Spangler, Starcher, Stover, Taylor, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—30.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Calhoun, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Preston), Godfrey, Grove, Hale, Hall, Hamilton, Harver, Hays, Hersman, Hilleary, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pettigrew, Pridemore, Rankin, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond, Twyman and Vaughn—54.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Houvouras, Shaw, Shomo, Sturm, Vanmeter and Williams (of Ohio)—9.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

Mr. Moore moved to amend the bill in section one, line four, by striking out the word "four" and inserting in lieu thereof the word "two."

Which amendment did not prevail.

Mr. Moore moved to amend the bill in section four, line two, after the word "time" by striking out the remainder of line two, all of line three and line four down to the word "office."

Which amendment did not prevail.

Mr. Moore moved to amend the bill on page six, section five, in line twenty, after the word "such" by inserting the following "and under such bond he shall be held liable in damages for any overt act committed while in the discharge of his office."

Which amendment did not prevail.

Mr. Perin in the Chair.

Mr. Moore moved to amend the bill by adding thereto the following section:

Section 30. Beginning June thirtieth, one thousand nine hundred and nineteen, and so long as this law is in force, no sheriff shall appoint or commission a greater number of deputy sheriffs than is necessary for the transaction of the actual business of the office, provided that in no case shall any sheriff appoint or commission more than five deputy sheriffs.

And,

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hickman, Hobbs, Howard, Moore, Musser, McDermitt, McPherson, Neale (of Cabell), O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—33.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Brand Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hackney,, Hale, Hall,

Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Nutter, Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Shomo, Summers, Swisher, Thomas, Thurmond and Twyman—51.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Houvouras, Shaw, Sturm, Vaughn, Vanmeter and Williams (of Ohio)—9.

So, a majority of all the members present and voting, not having voted in the affirmative, the amendment did not prevail.

The Speaker resumed the Chair.

On motion of Mr. Starcher, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Mr. Starcher moved to amend the bill on page twenty-four by adding thereto the following section:

Sec. 30. In order to provide a fund for the payment of the expenses incurred under and pursuant to the provisions of this act, there is hereby imposed on every person, partnership, association, company and corporation (hereinafter called company) an annual privilege tax for the privilege of carrying on in this state the business of producing and selling coal. The tax shall be measured by or computed on the value of the coal at the mouth of the mine where mined, and shall be three-fourths of one per cent of such value.

No tax shall be assessed on or collected from any person or company under the provisions of this act for coal mined from a mine not subject to inspection by the state mining department under the laws of this state, nor from any company producing or selling coal where the tax for any year does not amount to forty dollars. The tax year shall begin with the first day of July and end with the thirtieth day of June, of the year following, beginning July first, one thousand nine hundred and nineteen.

Every person or company subject to the tax hereby imposed to deliver to the state tax commissioner a report in writing within thirty days after the end of each year, showing the amount of coal produced and the amount sold during the preceding year and the value thereof.

Such reports shall be made in accordance with the requirements of the state tax commissioner, and shall be signed and sworn to by

the person, or owner, manager, president, vice-president or chief accounting officer of the company making the same, as the case may be. The state tax commissioner shall have authority to make rules and regulations, not contrary to law, which he may deem necessary for carrying the provisions of this chapter into effect, and especially for procuring all data and information necessary for the ascertainment and assessment of the tax hereby imposed on any person or company.

Any person or company failing or refusing to make the return as required by this chapter shall be guilty of a misdemeanor and shall be fined not exceeding five hundred dollars for each month such failure continues, but the state tax commissioner may, for good cause, extend the time for making a return in any case, and may, for good reason, excuse delay in the making of any such return.

If such return be satisfactory to the state tax commissioner he shall ascertain and assess the tax upon the company making the same, and shall notify it of the amount of such tax by a notice deposited in the postoffice, addressed to such person or company at his or its principal office or place of business. Such ascertainment of the tax shall be final and conclusive, unless the same be appealed from in the manner following within twenty days after such notice is so deposited. If such return be not satisfactory to the state tax commissioner, or if any person or company fail or refuse to make a return, the commissioner shall proceed, in such manner as it may to him seem best, to obtain the facts and information required to be furnished by such returns; and to this end he may, by himself or his duly appointed agent, make examination of the books, records and papers of any such person or company, and may take the evidence on oath of any person he may believe shall be in possession of facts or information pertinent to the subject of his inquiry, which oath he or the agent so appointed by him may administer. As soon as possible after procuring such information as he may be able to do with respect to the return of any person or company not satisfactory, or with respect to any person or company failing or refusing to make a return, the state tax commissioner shall proceed to ascertain and assess the tax upon such person or company, and shall notify him or it of the amount thereof as hereinafter provided. And his act shall be final as to any person or company which failed or refused to make a return.

If any person or company making a return and paying the tax appearing thereby to be due as provided by this chapter, feels ag-

grieved by the assessment so made upon it for any period by the state tax commissioner, it may apply to the board of public works by petition, in writing, within twenty days after the notice is deposited as provided in the preceding section, for a hearing and a correction of the amount of the tax so assessed upon it by the state tax commissioner, in which petition shall be set forth the reasons why such hearing should be granted and the amount of such tax be reduced. The board shall promptly consider such petition, and it may grant such hearing or deny the same. If denied, the petitioners shall be forthwith notified thereof; if granted the board shall notify the petitioner of the time and place fixed for such hearing. After such hearing the board may make such order in the matter as may appear to them just and lawful, and shall cause its secretary to mail a copy of such order to the petitioner as provided in section four.

The tax imposed and assessed by this chapter shall be collected and paid into the state treasury in the same manner and at the same time that taxes are collected from the railroad companies of this state, and the state treasurer shall credit one-third of the tax so imposed and collected to each of the three funds hereby created, to wit: the district and county high school fund, the public permanent good roads fund and the Virginia debt fund, which funds may be expended as provided by law.

Any person required or authorized by law to make, sign or verify any return required by this chapter, who makes any false or fraudulent return of statement with intent to defraud the state, or to defeat or evade the payment of the tax, or any part thereof, imposed by this chapter, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five thousand dollars, or may be imprisoned one year, or both, at the discretion of the court, to which fine shall be added the cost of the prosecution.

It shall be unlawful for any officer, agent, clerk or other employee of the state to divulge or make known in any manner whatever not provided by law to any person the amount of taxes paid by or assessed upon any person or company, or any fact or item set forth or disclosed in any return made under the provisions of this chapter or to permit any such return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person, except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law

such return or any part thereof, or the amount of taxes assessed or imposed upon any such person or company. Any person violating the foregoing provision shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court, and if the offender be an officer or an employee of this state he shall be dismissed from office. The state tax commissioner shall be custodian of all such returns, and shall securely keep the same; and he shall make regulations, which, when approved by the governor shall be valid, respecting the manner and conditions under which any such return may be made public or its contents or any part thereof divulged, and respecting the use of any such return or a certified copy thereof, which copy shall be equivalent to the original, in any court or judicial proceeding. But any such return may be made public by the consent of the person, or owner, manager or president of the company making the same.

On that question,

Mr. Weiss demanded the ayes and noes.

The demand being sustained, they were ordered.

Pending which,

Mr. Wysong moved that the further consideration of the amendment offered by Mr. Starcher be postponed until Monday, March 24th.

On that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hendricks, Hickman, Hobbs, Howard, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Persons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss, Wysong and Wolfe (Speaker)—37.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pride-

more, Rouss, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn and Williams (of Pleasant)—46.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hersman, Houvouras, Sarver, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to postpone did not prevail.

The question recurring on the amendment offered by Mr. Starcher,

Upon a call of the roll,

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hendricks, Hickman, Hobbs, Howard, Jones, Morris, Musser, McDermitt, McPherson, Neale (of Calbell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss and Wysong—35.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Peck, Pedigo, Perin, Pettigrew, Pride-more, Rouss, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Williams (of Pleasants) and Wolfe (Speaker)—48.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hersman, Houvouras, Sarver, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

Unanimous consent being given,

On motion of Mr. Starcher, the following telegram was read by the Clerk and ordered printed in the Journal:

Columbus, O., March 22, 1919.

W. B. HILTON,

Hotel Holley, Charleston, W. Va.

Ohio Senate Committee on Military Affairs has killed bill to create state constabulary.

THOMAS J. DONNELLY,
Secretary-Treasurer and Legislative Agent,
Ohio State Federation of Labor.

Unanimous consent being given,

On motion of Mr. Otto, the following editorial from the *Wheeling Intelligencer* of Saturday, March 15, 1919, was read by the Clerk and ordered printed in the *Journal*:

"Let us consider for a moment the influences that are apparently effective at Charleston.

"Who is asking for the state patrol law?

"Who is demanding, in effect, that the state provide a certain armed force to be used at the discretion of the governor?

"Certainly not the workingmen of West Virginia.

"Certainly not the farmers of West Virginia.

"Certainly not the small merchants in the cross-road towns.

"The cold fact is that the state patrol law is demanded for the protection of capital; that its object is to defend, if necessary, invested property, and that the interests most active in pushing the patrol law are interests that are ordinarily recognized as employing or capitalistic.

"The *Intelligencer* does not state this fact as a reason for opposition to the patrol law. On the contrary, it believes that the patrol law, in some form, should be passed; it believes that some provisions should be made for the enforcement of law and order under all conditions. Capital has a right to be protected against disorder, and it has the right to ask the state to provide the protection, but let us look at the situation frankly and fairly. If capital comes to the legislature of West Virginia with a demand for a special enactment, of which it is the principal beneficiary, can the legislative body justify itself in granting that demand and imposing the cost upon the whole people of the state when it has an opportunity to provide for that cost, and for much other revenue, from strictly capitalistic sources enjoying special privileges?

"The *Intelligencer* believes it has been reasonably familiar with the spirit which has ruled the legislatures of West Virginia during the past thirty years, and it is stating nothing more than a fact, known of all men, that those legislatures during that entire period have, with few exceptions, been dominated by representatives of capitalistic interests. Every fragment of progressive legislation that appears upon our statute books at the present time has been carried through the legislature in the teeth of the fiercest opposition from the agents of those interests. Capitalistic control of our legislature has for fifteen years prevented the passage of gas tax legislation. For many

years it created a situation in the coal industry in this state that was a disgrace to every employing interest.

"In these days we hear a great deal about the advancing waves of socialism. In this country, which is still full of abundant opportunity to the industrious and thrifty man, we need not fear socialism or bolshevism, except as the provocation is furnished for it by unwise class legislation, imposing unequal burdens upon taxpayers and, particularly, discriminating against the taxpayer of moderate—tory of the state does not show that we have erred in severity towards such—not be tender enough to the capitalistic interests who make it their business to elect legislators and to surround them with a horde of paid lobbyists. The history of this state does not show that we have erred in severity towards such interests. The error has been on the other side, and the Intelligencer can conceive of no definite act by the present West Virginia legislature that would more specifically stamp capitalistic control over that body than the passage of a patrol law imposing an additional tax burden upon the whole people of the state, at the same time, practically in the same day and hour that the same body refuses to avail itself of the abundant revenue which the privileged interests of the state could furnish."

Mr. Richards moved to amend the bill on page sixteen, section eighteen, line three, by striking out after the word "duty" the following words: "or any state, county or municipal officer or person then under the charge and direction of some officer or member of the department of public safety while on duty, or who shall refuse upon request to give any such officer or member any information possessed by him, relating to any offense or crime committed, or about to be committed, or of any riot, uprising or disturbance existing or threatened."

Pending which,

Mr. McCauley moved to amend the amendment by substitution at end of section eighteen by adding the following words: "*Provided*, nothing in this section contained shall be construed to require any person to give information tending to incriminate himself or the husband or wife of such person."

Which amendment to the amendment was adopted.

The question recurring on the amendment offered by Mr. Richards, On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Capehart, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hobbs, Howard, Jones, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss and Wysong—34.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Rouss, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Williams (of Pleasants) and Wolfe (Speaker—46.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hendricks, Hersman, Hickman, Houvouras, Sarver, Scott, Shaw, Sturm, Vanmeter and Williams (of Ohio)—13.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

On motion of Mr. Wysong the bill was amended on page twenty-one, line thirty-one, by striking out the word "day" and inserting in lieu thereof the words "time and place."

Mr. Wysong moved to amend the bill on page nine, section twelve, line two, by striking out the words "and when and where he shall deem it necessary with suitably equipped horses and other means of conveyance."

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hobbs, Howard, Moore, Morris, Musser, McDermitt, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss, Wysong and Wolfe (Speaker)—32.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Calhoun, Cos-

ner, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn and Williams (of Pleasants)—48.

Absent and not voting:

Messrs. Bannister, Capehart, Coleman, Cox, Hersman, Hickman, Houvouras, Sarver, Scott, Shaw, Sturm, Vanmeter and Williams (of Ohio)—13.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

Mr. Wysong moved to amend the bill on page nine, section twelve, line three, by striking out the words "equip horses and other."

Which amendment did not prevail.

On motion of Mr. Coon, the bill was amended on page seven, section seven, line three, after the words "West Virginia" by adding the words "and a *bona fide* resident of this state for the period of two years next immediately preceding his appointment."

Mr. Wysong moved to amend the bill on page seven, section seven, line twelve, by striking out after the word "years" the following words "and all the members of the department of public safety, except the superintendent, deputy, captain, lieutenant, bookkeeper and stenographer, shall receive an increase of sixty dollars per annum during continuous service after two years and an additional increase of sixty dollars per annum during continuous service after four years."

Pending which,

Mr. John moved to amend the amendment by substitution at the end of the section by adding the words: "*Provided*, that not more than two such increases shall be made."

Which amendment to the amendment prevailed.

The question recurring to the amendment offered by Mr. Wysong, the amendment did not prevail.

The bill (H. B. No. 4) was then ordered to its engrossment and third reading.

On motion of Mr. Taylor, the House adjourned.

MONDAY, MARCH 24, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of Saturday, March 22,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Mr. Neale (of Cabell, by request) offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 6.

"Authorizing the Clerk of the Senate to secure photographs of the members of each House for the West Virginia bureau of archives and history."

WHEREAS, This legislature in the course of its duties has been called upon to deal with many of the most important measures in the legislative annals of the state, especially the settlement of the long-famous Virginia debt question, and will therefore deservedly occupy a conspicuous place in the state's history, wherefore it is fitting that a suitable memorial of the personnel of each House be preserved in some historical depository; be it therefore

Resolved, by the Legislature of West Virginia:

That the Clerk of the Senate be and he is hereby authorized and directed to secure from Gravely and Thompson, photographers, of Charleston, at a cost not to exceed the sum of \$----- photographs of the members of each House, and the Clerk and the sergeant-at-arms thereof, grouped, mounted and enclosed in ornamental gold frame, encased in shadow boxes, one frame for the members of

each House, which photographs so framed shall be delivered to and preserved in the state bureau of archives and history.

The cost of such photographs of the members of each House shall be paid out of the contingent fund of such House, and the Clerk of the Senate and the sergant-at-arms of the House, respectively, are authorized and directed to draw proper warrants upon the Auditor therefor.

Referred to the Committee on Taxation and Finance.

Mr. Mahan presented the petition of Hiram James Follansbee and four hundred and sixty-four others, of Follansbee, W. Va., protesting against the enactment of a State Constabulary bill.

Mr. Stover presented a communication signed by the secretary and treasurer of the Ohio Valley Lodge No. 18, B. R. T., of McMechen, W. Va., protesting against the enactment of a state police law.

Mr. Vaughn presented a petition from Jos. V. Skelley and forty-one others of Grafton, W. Va., favoring the enactment of a state police bill; a telegram from the Grafton Ministerial Association urging the passage of a state police measure, and a resolution from Friendship Lodge No. 8, Knights of Pythias, endorsing the enactment of the pending state police bill.

Mr. Wolfe presented a communication from Local Union No. 1207, of Charleston, W. Va., protesting against the enactment of the State Police Bill (House Bill No. 4).

On motion of Mr. Weiss, the following newspaper editorial was read by the Clerk and ordered printed in the Journal:

"PROTECTING THE STATE.

"The West Virginia legislature should take cognizance of the fact that the war department has decided to maintain thirty army training, balloon and flying fields, among which are mentioned Camp Lee, Petersburg, Va., and Camp Sherman, Chillicothe, Ohio. Twenty-seven camps and fifteen aviation fields will be abandoned.

"The significance of the announcement as concerns West Virginia is that with army training camps at Chillicothe and Petersburg, there is no need of West Virginia going to the expense of establishing any kind of a state police or constabulary, for should trouble arise of sufficient proportions as to embarrass the city police officers, or sheriffs' forces in any one or several counties, United States troops could reach the scene of the disorders either from Camp Lee or Camp Sherman, or both, in twelve hours' time.

"The governor need never feel any hesitancy about calling upon

Washington for the national militia. Such steps have been taken before, and quite effectively, too, when the I. W. W. disorders arose recently at Seattle. The government ever stands ready to help the states, and besides, if it is ever necessary to use troops in West Virginia, it would be far better to depend upon the national militia, which carries with it greater respect, than some unreliable state force made up of all kinds of undependable characters. Resistance offered against the American troops, is equivalent to making war against the government, wherein may be seen the advantage of employing federal troops over state forces.

"So long as the states of Virginia and Ohio retain government training posts they will never give the creation of a state police force, or constabulary, a thought, so why should West Virginia, with a camp on either side of her, erect a patrol the burden of maintenance of which will fall upon the shoulders of the already over-taxed people."

Unanimous consent being given,

On motion of Mr. McPherson

House Bill No. 19—"A Bill to fix the fees for the renewal of certain classes of teachers' certificates and to determine the conditions upon which such fees are payable."

On second reading, was taken up out of its regular order for immediate consideration and read a second time.

On the further motion of the same gentleman the bill was amended an page one, section one, line one, by adding after the word "professional" the word "teachers."

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Jones, Kern, Kuykendall, Lantz, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Sum-

mers, Swisher, Taylor, Thomas, Thurmond,, Twyman, Vaughn, Weiss, Wysong, and Wolfe (Speaker)—79.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hickman, Houvouras, Howard, John, Lester, Miller, Shaw, Sturm, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—14.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capelhart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong, and Wolfe (Speaker)—80.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hall, Hickman, Houvouras, John, Miller, Sarver, Shaw, Sturm, Vanmeter and Williams (of Ohio)—13.

Mr. McPherson moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capelhart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore,

Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wyson and Wolfe (Speaker)—81.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hickman, Houvouras, Howard, Miller, Sarver, Shaw, Sturm, Vanmeter and Williams (of Ohio)—12.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 19) takes effect from its passage.

Ordered, That Mr. McPherson communicate to the Senate the passage of the bill and request concurrence therein.

The resolution offered by Mr. Thomas relating to a tax on bachelors, coming up in regular order for consideration, was

On motion of Mr. Kern, indefinitely postponed.

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, coming up in regular order for consideration, pending the following amendment proposed by Mr. Wyson:

Section 13. *Provided*, that this bill before becoming effective shall be submitted to a vote of the people at the next general election, and be approved by a majority of all the votes cast both for and against the adoption of this act. There shall be on the ballot two squares for marking a cross. Opposite one must be printed "For the payment of Virginia Debt." Opposite the other must be printed "Against the payment of Virginia Debt."

Was,

On motion of Mr. Wyson, laid over, retaining its place on the calendar.

House Bill No. 13—"A Bill to amend and re-enact chapter nine, of the second extraordinary session of the legislature of one thousand

nine hundred and seventeen, and being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."

On third reading, coming up in regular order for consideration,

Mr. McClintic moved to lay the bill (H. B. No. 13) on the table.

On that question,

Mr. Wysong demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lester, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Rouss, Sarver, Scott, Shomo, Summers, Swisher,, Thomas, Thurmond Twyman and Williams (of Pleasants)—43.

The noes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hobbs, Howard, Jones, Lantz, Moore, Morris, Musser, McDermitt McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—39.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hickman, Houvouras, Mahan, Miller, Shaw, Sturm, Vanmeter and Williams (of Ohio)—11.

So, a majority of all the members present and voting having voted in the affirmative, the motion to lay the bill (H. B. No. 13) on the table prevailed.

House Bill No. 4—"A Bill creating a department of state police, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the department of state police for misconduct in office."

On third reading, coming up in regular order for consideration, was read a third time.

Mr. Wysong moved to lay the bill (H. B. No. 4) on the table.

On that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hobbs, Howard, Jones, Mahan, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss, Wysong and Wolfe (Speaker)—37.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn and Williams (of Pleasants)—46.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Hickman, Houvouras, Miller, Shaw, Sturm, Vanmeter and Williams (of Ohio)—10.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to lay the bill (H. B. No. 4) on the table, did not prevail.

Thereupon,

The Chair ordered the Clerk to call the roll on the passage of the bill (H. B. No. 4).

Whereupon,

Mr. Wysong moved to take from the table

House Bill No. 13—"A Bill to amend and re-enact chapter nine, of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, and being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."

For immediate consideration.

Mr. McClintic rose to the point of order that the motion was not in order because a roll call had been ordered on the passage of House Bill No. 4.

Which point of order the Chair held well taken.

Mr. Wysong then moved that the House recess until 2 o'clock P. M. Which motion did not prevail.

Mr. Moore in the chair.

On motion of Mr. Parsons the House recessed until 2:30 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

A message from the Senate, by Mr. Stewart, announced that the Senate had amended, and passed as amended, and requested the concurrence of the House in the amendment to

House Bill No. 19—"A Bill to fix the fees for the renewal of certain classes of teachers' certificates and to determine the conditions upon which such fees are payable."

On motion of Mr. McPherson, the bill (H. B. No. 19) was taken up for immediate consideration.

The amendment proposed by the Senate was reported by the Clerk and agreed to.

The amendment is as follows:

Strike out title and insert the following:

"A Bill to provide for the renewal of professional teachers' certificates, and fixing the fees and condition of payment therefor."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Brammer, Bray, Byrnes, Calhoun, Capehart, Clements, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—80.

The noes were:

None.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Godfrey, Hilleary, Houvouras, Jones, Pridemore, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—13.

Mr. McPherson then moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blackhurst, Bland, Blizzard, Brand, Bray, Byrnes, Calhoun, Capehart, Clements, Coon, Cosner, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Hobbs, Howard, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—79.

The noes were:

Mr. Coberly—1.

Absent and not voting:

Messrs. Bannister, Brammer, Coleman, Cox, Ferguson, Houvouras, Jones, O'Connor, Shaw, Sturm, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—13.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 19) takes effect from its passage.

Ordered, That Mr. McPherson communicate to the Senate the concurrence of the House of Delegates in Senate amendment to, and the passage of the bill (H. B. No. 19), as amended.

House Bill No. 4—"A Bill creating a department of public safety, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the department of public safety for misconduct in office.

Being under consideration, and a roll call, on the passage of the bill, having been ordered at the time of recess,

Pending the roll call,

Mr. Stover presented the following communications, which were received and ordered printed in the Journal:

Keyser, W. Va., March 19, 1919.

HON. K. S. STOVER,

Care of House of Delegates, Charleston, W. Va.

Stand pat against police bill. Rural districts unanimous against it.

W. C. GRIMES.

Piedmont, W. Va., March 17, 1919.

To the Members of the Senate and House of Delegates of West Virginia in Legislature assembled:

After reading the communication of Local Union No. 2999, U. M. W. of A., located at Wendel, W. Va., on page fourteen of the Journal of the Senate, March eleventh, one thousand nine hundred and nineteen, we beg the privilege of recording our disapproval of the sentiments expressed therein, especially as to the latter clause of the second resolution, and respectfully request the privilege of having the same published in the Journal of the Senate and House of Delegates.

The rank and file of United Mine Workers are calm and conservative hard-working men, patriotic and loyal to the flag of our nation and to the organized governments of the United States and the state of West Virginia, which we love and have done much to advance in wealth and development. This is true in our Local Union, No. 1097, U. M. W. of A., located at Piedmont, W. Va., and we believe we voice the sentiment of a large majority of the miners of the state when we say that we deplore the radical sentiments referred to and can truly say that they do not accord with the feelings of any considerable number of men of our fraternity anywhere.

No class of laboring men have sacrificed more in the world war now closing than the coal miners, neither can any class of men see less use for a constabulary law than we who are around and about the mines and see and hear of no uprisings or dangers to any company's property, the destruction of which would work against our interests as well as those of our employers, and while we think an unnecessary expense and uncalled for publicity is being thus urged upon us, we as true American citizens yield humbly to the will of the legislators who are sworn to do their patriotic duty by the people irrespective of trade or vocation.

Again disavowing any connection with or sympathy for revolutionary sentiments, we reserve the right to oppose any state constabulary

bill of any kind and will use our utmost economic power to defeat any such measure.

T. L. WILDMAN,
T. H. MCINTYRE,
W. H. BELL,

Committee on Resolutions, Local Union No. 1097.

Thereupon,

Mr. Wysong moved that the House adjourn, and

On that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered taken.

Pending the roll call,

Mr. Bray requested that the remarks of Mr. Wysong, in explanation of his vote, be made a part of the Journal, which are as follows:

Mr. Wysong: "I wish to explain my vote. I was told that Mr. O'Connor is being detained in the governor's office under the pretense of a long distance call and is not present, and for that reason I moved to adjourn. I vote 'Aye.'"

Whereupon,

The Clerk announced the vote, which is as follows:

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hickman, Hobbs, Howard, Jones, Mahan, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wysong and Wolfe (Speaker)—39.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, John, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Rouss, Sarver, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—45.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Houvouras, O'Connor, Shaw, Sturm, Vanmeter and Williams (of Ohio)—9.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to adjourn did not prevail.

The question recurring on the passage of the bill (H. B. No. 4), the Clerk proceeded to call the roll.

Pending which,

When the name of Mr. Blizzard was called, that gentleman stated the following, and requested that the same be recorded in the Journal: "Mr. Speaker and Gentlemen of the House:

"In explanation of my vote it is my privilege to say that my first and most anxious care has been to gain the respect of the House and to hold its confidence for the people with whom I am most closely associated and in whose welfare I am deeply concerned.

"I am a native West Virginian of an old family and from a mere boy my life has been spent in the coal mines, and I laid down my pick to come to this House.

"From a deep-seated conviction that the constabulary bill is wrong, I have voted to delay its passage and for every amendment that would have a tendency to defeat it. If it does pass it will do so against the wishes and better judgment of a large majority of the people of the state. To those who deny this statement, I can only say that time will point its finger to which of us is right. This is not a battle of organized labor alone. Labor organized and unorganized is united against this bill and immediately after its passage, if it does pass, labor will unite in one mighty organization to defeat the purposes of the sinister interests that are back of the bill. Labor will solidify under this bill and stand like adamant for the common good. Labor embraces not only that group known as trade unionists, but all who plod with plow, pick or pen.

"You gentlemen applauded us when we stood as one man in favor of House Bill No. 4, known as the red flag bill. You thought it fine when we refused to be influenced when a storm arose around our heads for supporting that measure. But now you turn on us and advocate a force bill which we know will absolutely disrupt the cordial relations that have existed between us and our employers since the beginning of the war.

"Let us not attempt to fool ourselves; we all know this bill is backed by the coal operators' association—a union of men engaged in that industry. It is intended to act as a preventive against any demands the miners may make and to discipline them if they are persistent in their demands. The first thing then, that can happen, will be a disruption of the good understanding that has arisen between

coal miner and operator during the period we were arrayed against a foreign foe.

"Why will not the operators supporting this bill so stubbornly exert the same energy in cementing the pleasant relations thus established and by co-operation, friendly intercourse, and open covenants, bring about even greater tranquility in the coal fields than we have before enjoyed?

"What is the reason for this bill? What fear grips the heart of capital? It is because two local unions out of approximately four thousand, passed intemperate resolutions? If so, be reassured; men of labor who stood solidly for the red flag bill will stand just as unitedly against Bolshevism in whatever form it appears in these states. The few who distrust the government are being watched by the many who trust the government; when they attempt to disseminate pamphlets teaching the terrorism of the Russian revolution, they are under the watchful eye of the men of labor who are now and always have been loyal to our great Republic.

"Labor was loyal even until death during the entire war period, uncomplainingly giving of our sons, of our substance, and of our all, as we are the majority, we made the greatest sacrifices, experienced the most intense suering, and bore the bitterest grief, during the war. It is our sons and brothers who now occupy the Rhine and the Arctic fronts, fighting for established order against a world reign of passion and hate.

"As they struggle and sacrifice to destroy sheer brute force as represented by the military tyranny and autocratic power of the old world, will we with blind vision, set up a super-military oligarchy here?

"Is this bill to be the reply of Republican members of the West Virginia legislature to laboring men who so resolutely supported our ticket in the recent election, made our large majority in this House possible, and elected a gallant officer of the American army in France to the United States Senate?

"Then if it is, gentlemen of our side, you had better revise your figures for the 1920 election and prepare to see many new and strange faces in this body and around the State House. This is not a threat: it is an admonition.

"If this is to be considered the answer of capital to labor for our sacrifice and devotion to state and nation during the stress of war, then, reluctantly but with firmness, we accept the challenge, but wish to warn you that the use of force in labor controversies and political

disputes widens the breach between us who should be friends and comrades.

"To those who dread, let me say we have nearly four thousand law officers in this state; they kept order during a long period of war; these laws are still in full force and effect; we observed them then and we obey them now, so I pray you not to place a stigma of reproach upon us and make it impossible for labor to work in harmony with the owners of industry."

When the name of Mr. Neal (of Cabell), was called, that gentleman stated, requesting the same to be recorded in the Journal, the following: "I wish to go on record as being in favor of the Wysong bill."

When the name of Mr. Vaughn was called, that gentleman rose in his seat, and in explanation of his vote read the following from the Grafton Sentinel, of March twenty-second, one thousand nine hundred and nineteen:

"He (Mr. Vaughn) and his associates voted right on the first roll call on the constabulary on the motion to strike out the enacting clause."

"I so voted to keep from killing the bill and then voted to lay it on the table in the hope that the legislature might get up a better bill. I stand for some protection for the state and I want that fact stated in the Journal. I want to try to get the very best I can, and I am going to vote my sentiments as I did the other day."

When the Clerk called the name of Mr. Williams (of Pleasants),

The Chair declared that Mr. Williams (of Pleasants), was not entitled to vote, for the reason that the gentleman was not within the rail at the time the vote was ordered, and

Mr. Thurmond rose to the point of order, that under rule No. 99 it was within the province of the House to determine who should have a right to vote.

Whereupon,

Mr. Kuykendall moved that Mr. Williams (of Pleasants) be permitted to vote.

Which motion prevailed.

Whereupon,

The Speaker announced the vote on the passage of the bill, as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Capehart, Cosner,

Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, Hilleary, Howard, John, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Peck, Perin, Pettigrew, Rouss, Sarver, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Williams (of Pleasants) and Wysong—47.

The noes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hickman, Hobbs, Jones, Mahan, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Pedigo, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss and Wolfe (Speaker)—37.

Absent and not voting:

Messrs. Bannister, Coleman, Cox, Houvouras, O'Connor, Shaw, Sturm, Vanmeter and Williams (of Ohio)—9.

So, a majority of the members present and voting, having voted in the affirmative, the Speaker declared the passage of the bill.

On motion of Mr. Blackhurst, the title of the bill (H. B. No. 4) was amended, after the words "A Bill creating a department of," strike out the words "state police" and insert in lieu thereof the words "public safety; to provide protection for the lives and property of the inhabitants of the state of West Virginia."

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill (H. B. No. 4) and ask concurrence therein.

On motion of Mr. Coberly, the House adjourned.

.....
Speaker of the House of Delegates.

.....
Clerk of the House of Delegates.

TUESDAY, MARCH 25, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Blackhurst, member of the House from the county of Pocahontas.

Pending the reading of the Journal of yesterday,

On motion of Mr. Spangler, the further reading thereof was dispensed with.

On motion of Mr. Pedigo, leave of absence for today was granted to Mr. Wyson.

Mr. McClintic offered the following resolution :

HOUSE CONCURRENT RESOLUTION No. 7.

"Relating to the next United States loan."

Resolved by the House of Delegates, the Senate concurring :

That Hon. W. A. McCorkle be, and he is hereby, invited to address the legislature in joint session at eleven o'clock, A. M., on Wednesday, the twenty-sixth day of March, one thousand nine hundred and nineteen, in the hall of the House of Delegates, upon the subject of the next United States loan.

On motion of the same gentleman, the resolution was taken up for immediate consideration, read by the Clerk and adopted.

Ordered, That Mr. McClintic communicate to the Senate the adoption of the resolution (H. C. R. No. 7) and ask concurrence therein.

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, coming up in regular order for consideration, pending the following amendment proposed by Mr. Wyson :

Section 13. *Provided*, that this bill before coming effective shall be submitted to a vote of the people at the next general election, and be approved by a majority of all the votes cast both for and against the adoption of this act. There shall be on the ballot two squares for marking a cross. Opposite one must be printed "For the payment of Virginia Debt." Opposite the other must be printed "Against the payment of Virginia Debt."

Mr. Starcher moved that the bill (S. B. No. 9) be laid over, retaining its place on the calendar, until tomorrow, and

On that question,

Mr. Anderson demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows :

The ayes were :

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coon, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Harvey, Hays, Hendricks, Hersman, Hilleary, Hobbs, Houvouras, Howard, Kuykendall, Lester, Mahan, Mollohan, Moore, Morris, Musser, McDermitt, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Peck, Pedigo, Pridemore, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—47.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Cosner, Cunningham, Cuppett, Godfrey, Hale, Hall, Hamilton, Jones, Kern, Lantz, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Perin, Pettigrew, Rouss, Sarver, Scott, Summers, Swisher, Thomas, Thurmond and Twyman—31.

Absent and not voting:

Messrs. Bannister, Capehart, Coberly, Coleman, Cox, Hickman, John, Miller, McPherson, O'Connor, Shaw, Sturm, Vanmeter, Williams (of Ohio) and Wysong—15.

So, a majority of all the members present and voting having voted in the affirmative, the motion to lay the bill (S. B. No. 9) over until tomorrow prevailed.

Pursuant to resolution adopted on March 13th, the Speaker announced the appointment of the following floor pages:

Forest Sevey.

Harold Holmes.

Arthur Eberly.

Okey Goff.

Leo Grass.

House Bill No. 8—"A Bill relating to the salaries and compensation of judges and court reporters of the circuit courts of the state."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Kuykendall, severally made, the bill was amended as follows:

On page one, section one, line three, by striking out the word "four" and inserting in lieu thereof the word "five."

On page one, by striking out all of section two.

The same gentleman moved to amend the bill as follows:

On page one, by adding to section one the following: "and no other or additional compensation shall be allowed or paid any circuit judge under any general or special act."

Pending which,

Mr. Kern moved to amend the amendment by adding thereto the following: "Except that the county courts of Marion and Kanawha counties may make an annual allowance to the judge of the circuit court thereof, not to exceed the sum of one thousand dollars."

Which amendment to the amendment did not prevail.

The question recurring on the amendment proposed by Mr. Kuykendall, the same was put by the Chair and prevailed.

On motions of Mr. John, severally made, the bill was amended as follows:

In section three, line three, by striking out the word "twelve" and inserting in lieu thereof the word "fifteen."

In line four, by striking out the word "forty" and inserting in lieu thereof the word "sixty."

The same gentleman moved to amend the bill in line five, by inserting after the words "two thousand" the words "four hundred."

Which amendment did not prevail.

On the further motions of the same gentleman, severally made, the bill was amended as follows:

In line six, by striking out the word "forty" and inserting in lieu thereof the word "sixty."

On page four, in line ten, after the word "counties" by inserting the following: "Provided, that one court reporter may be appointed for each judge in the circuit."

On motion of Mr. McClintic, the amendment was amended by adding thereto the following:

"Provided, further, that in any county having other trial courts each of such courts may appoint an official court reporter with the same salary allowed to the reporter appointed by the circuit court."

On motion of Mr. Grove,

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges,"

Was substituted for and in lieu of House Bill No. 8.

Whereupon,

Senate Bill No. 5 was then ordered to its third reading.

House Bill No. 14—"A Bill to amend chapter fifty-one of the West Virginia code of one thousand nine hundred and thirteen by adding thereto a new section to be numbered seventeen, providing a fee for the issuance of commissions to state commissioners,"

On second reading, coming up in regular order for consideration, was read a second time.

Mr. Weiss moved that the bill (H. B. No. 14) be indefinitely postponed.

Pending the discussion of the motion,

Mr. Ferguson moved the previous question.

The question prevailing, the Speaker propounded the main question: "Shall the bill (H. B. No. 14) be indefinitely postponed?"

On that question,

Mr. Brand demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Bland, Brammer, Byrnes, Calhoun, Clements, Coberly, Coon, Ferguson, Fitch, Fortney (of Harrison), Grove, Hall, Hamilton, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, Jones, Lantz, Mollohan, Morris, Musser, McCauley, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Otto, Peck, Pedigo, Perin, Pridemore, Rankin, Richards, Rouss, Sarver, Shomo, Spangler, Starcher, Stover, Twyman and Weiss—45.

The noes were:

Messrs. Anderson, Blizzard, Brand, Bray, Cosner, Cunningham, Cuppett, Fortney (of Preston), Godfrey, Hackney, Hale, Harvey, Kern, Lester, Mahan, Miller, Moore, Moran, Moulds, McClaren, McClintic, Pettigrew, Summers, Taylor, Thomas, Thurmond, Williams (of Pleasants) and Wolfe (Speaker)—28.

Absent and not voting:

Messrs. Bannister, Capehart, Coleman, Cox, Hickman, Hilleary, John, Kuykendall, McVey, Nutter, O'Connor, Parsons, Scott, Shaw, Sturm, Swisher, Vaughn, Vanmeter, Williams (of Ohio) and Wyong—20.

So, a majority of all the members present and voting having voted in the affirmative, the motion to indefinitely postpone House Bill No. 14 prevailed.

On motion of Mr. Hays, the House recessed until 2:30 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

House Bill No. 11—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Weiss laid over retaining its place on the calendar.

Senate Bill No. 1—"A Bill to amend and re-enact section two of chapter one hundred and twenty-six of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to rate and manner of laying levies for taxation."

On second reading, coming up in regular order for consideration was read a second time and ordered to its third reading.

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

On second reading, coming up in regular order for consideration was read a second time.

Mr. Weiss moved that further action on the bill be indefinitely postponed.

And on that question, the same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Houvouras, Howard, Moran, Musser, Neale (of Cabell), Otto, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor and Weiss—24.

The noes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hackney, Hall,

Hamilton, Harvey, Hays, Hilleary, Hobbs, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Morris, Moulds, McCauley, McClaren, McClintic, McPherson, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Williams (of Pleasants) and Wolfe (Speaker)—51.

Absent and not voting:

Messrs. Bannister, Capehart, Coleman, Cox, Hale, Hendricks, Hersman, Hickman, McDermitt, Nutter, O'Connor, Scott, Shaw, Sturm, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—18.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

On motion of Mr. Richards the following communication was read by the Clerk and ordered printed in the Journal.

TRIMBLE AND LUTZ SUPPLY CO.

WHEELING, W. Va., March 24, 1919.

HON. H. CAMPBELL RICHARDS,

House of Delegates,
Charleston, W. Va.

Dear Sir:

We desire to register our protest against the passage of House Bill No. 18 imposing additional Excise Tax of one-fourth of one per cent. This tax, as you doubtless know, is discriminatory in its effect, and is objectionable to the business interests of the State generally. We sincerely trust that you will use your best efforts to defeat this measure, as by so doing we are satisfied you will serve the interests of a large number of your constituents. May we extend our thanks in anticipation of your vigorous objection to this measure?

Very respectfully,

TRIMBLE & LUTZ SUPPLY Co.,
H. A. EBERT, *Secretary*.

On motion of Mr. Moore the following communication was read by the Clerk and ordered printed in the Journal:

CHARLESTON, W. Va., March 21, 1919.

HON. EVERETT F. MOORE,

Chairman Judiciary Committee,
House of Delegates,
Charleston, W. Va.

Dear Sir:

In compliance with your request, will say that the amounts to be

paid and the amount of revenue required therefor under the terms of the settlement between the state of West Virginia and the state of Virginia in settlement of the judgment obtained by the latter, are as follows:

First.

Cash payment	\$1,062,867.16
4 months interest @ 5% (estimated as of May 1st)...	17,714.45
6 months interest @ 3½% to July 1, 1919.....	236,250.00
One-half costs of suit, estimated.....	30,000.00
Costs of engraving, etc., estimated.....	20,000.00

Total to July 1, 1919, for which no revenue is provided in Senate Bill No. 9.....\$1,366,831.61

Second.

6 months interest at 3½% on \$13,500,000.00 due Jan. 1, 1920	\$ 236,250.00
6 months interest at 3½% on \$13,500,00.00 due July 1, 1920	236,250.00
1/20 of principal to be retired by July 1, 1920.....	675,000.00

Total to be paid in one levy year for which provision is made in Senate Bill No. 9.....\$1,147,500.00
 Total to be paid by July 1, 1920, for which provision is made in Senate Bill No. 9..... 1,147,500.00
 Total amount to be paid by July 1, 1919, for which no revenue is provided..... 1,366,831.61

Grand total to be paid by July 1, 1920.....\$2,514,331.61

Some may have the impression that there are funds available in the state treasury sufficient to pay all amounts that fall due by July 1, 1919, for which no revenue has been provided, and lest you may be misled in this matter, your attention is called to the fact that the appropriations made by the recent regular session of the legislature exceeded by several hundred thousand dollars the amount that can be raised by the ten-cent levy provided; also to the fact that the extraordinary session must be paid for out of said levy, thus exhausting any balance that may be in the state treasury to the extent herein indicated.

Your attention is also called to the fact that \$1,366,831.61 must be raised and paid out under the terms of the settlement by July 1, 1919, an amount far in excess of the balance in the state treasury and for which no revenues have been provided by the legislature.

Trusting that this may be the information you desire, I am,

Very truly yours,

W. S. HALLANAN.

On motion of Mr. Hall the bill (H. B. No. 18) was amended on page 3, section 1, by striking out in lines 10 and 11 the words "one-fourth" and inserting in lieu thereof the word "one-half."

On motions of Mr. Moore, severally made, the bill was amended as follows:

On page 3, section 1, by adding after the word "annual" at end of line 8, the word "special."

On same page, same section, by striking out in line 10 the words "not in excess of the" and by striking out after the word "equivalent" in same line the word "of" and inserting in lieu thereof the word "to."

On page 5, section 1, line 35, by adding after the word "leagues" the words "chambers of commerce or boards of trade or civic leagues."

Mr. Moran moved to amend the bill on page 3, line 9, by striking out after the word "tax" all that follows down to and including the word "equivalent" in line 10 and inserting the words "on all net incomes not in excess of \$10,000"

Pending which,

Mr. Thomas moved to amend the amendment by striking out \$10,000 and inserting in lieu thereof \$5,000.

Which amendment to the amendment did not prevail.

The question recurring to the proposed amendment offered by Mr. Moran, the amendment did not prevail.

The bill (H. B. No. 18) was then ordered to its engrossment and third reading.

Mr. Howard moved that the House reconsider its action and vote of yesterday in passing House Bill No. 4, commonly known as the state police bill or public safety measure, and that said bill be put back upon the regular calendar on third reading for the further and future consideration of this House.

Whereupon,

Mr. McClintic arose in his seat and stated that the bill (H. B. No. 4) had been reported to the Senate, and

Thereupon, the same gentleman moved that the motion to reconsider the vote be indefinitely postponed.

And on that question, demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bland, Brand, Bray, Calhoun, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hale, Hall, Hamilton, Harvey, Hays, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Pridemore, Rouss, Sarver, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)—45.

The noes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Clements, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hobbs, Houvouras, Howard, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Otto, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss and Wolfe (Speaker)—33.

Absent and not voting:

Messrs. Bannister, Capehart, Coleman, Cox, Hickman, Hilleary, Nutter, O'Connor, Scott, Shaw, Sturm, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—15.

So, a majority of all the members present and voting having voted in the affirmative, the motion prevailed.

House Bill No. 20—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two

(Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

On second reading, coming up in regular order for consideration, was read a second time.

On motions of Mr. Hersman, severally made, the bill was amended as follows:

On page 10, section 114, line 20, by striking out after the word "of" the balance of the line and inserting in lieu thereof the words "any war in which the United States has engaged."

On page 8, sub-section x, line 79, by adding after the word "any" the words "and all."

On page 5, section 1, sub-section-d, line 13, by adding after the words "doll baby rack" the words "knife rack."

Mr. Coberly moved to amend the bill on page 10 by adding at the end of section 114 the following:

"Provided, further, that no tax or fee shall be imposed on any license to conduct or operate a pool table or pool tables granted to any soldier of the late civil war."

Which amendment did not prevail.

On motion of Mr. Moore the further consideration of the bill (H. B. No. 20) was laid over until tomorrow, March 26th.

On motion of Mr. Kuykendall, the House adjourned.

WEDNESDAY, MARCH 26, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

The following statement from the state tax commissioner's office, prepared by Mr. E. A. Dover, chief accountant, was presented by the Speaker, read by the Clerk and ordered printed in the Journal:

Gentlemen of the Senate and House of Delegates:

We believe it is our official duty to submit to your honorable bodies at this time a brief financial statement setting forth the state's financial condition based upon legislation of the regular session and certain proposed legislation of the present extraordinary session.

The budget submitted to your honorable bodies at the beginning of the regular session shows an estimated surplus in the general revenue of the state of \$1,000,000, after allowing \$175,000.00 to cover the cost of the regular session and miscellaneous appropriations payable during the present year.

The cost of the regular session and miscellaneous appropriations was.....	\$ 303,500.00
to which amount must be added the cost of the present extraordinary session, estimated at.....	75,000.00
	<hr/>
making a total of.....	\$ 378,500.00
for which	175,000.00
was allowed in the original estimate, which amount deducted from \$378,500.00 leaves.....	203,500.00
to be taken care of out of the \$1,000,000 surplus, thereby reducing the surplus to.....	\$ 796,500.00

This surplus is further reduced by the proposed Virginia debt bill, which provides for the following expenditures for which no revenue is provided:

Cash payment	\$1,062,867.16
4 months' interest at 5%, if paid May 1st.....	17,714.45
6 months' interest at 3½% on \$13,500,000 due July 1st, 1919	236,250.00
Estimated court costs.....	30,000.00
Estimated cost of engraving, etc.....	20,000.00

Total	\$1,366,831.61
Applying to the Virginia debt expenditures the surplus shown above	796,500.00

A deficit is obtained as of July 1st, 1919, of.....	\$ 570,331.61
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The appropriation bill passed by the regular session for the next two years exceeds the revenues of the state (including a direct levy of 10 cents and including an estimated surplus of \$375,000.00 that will go into the state's general revenue out of the state war fund) by		197,442.00
The proposed circuit judges' salary bill will further increase the above excess.....		88,600.00
		<hr/>
Making a total excess of.....		\$ 286,042.00
Which amount added to the deficit at the beginning of the two years.....		570,331.61
		<hr/>
Results in a deficit at the end of the next two years of..		\$ 856,373.61
As compared with a surplus January 1, 1919, of.....		\$1,000,000.00

The above deficit of \$856,373.61 is on the basis of the present revenue laws with a 10-cent direct levy for general purposes and a 7-cent direct levy for the Virginia debt, total 17 cents, and on the basis that new revenue will be provided to cover the entire cost of whatever police or military bill is passed.

Under the proposed Virginia debt bill the direct levy for the first few years should be 8 cents account interest being paid on practically the entire debt, and one-twentieth of the principal being retired at the same time.

Respectfully submitted,

W. S. HALLANAN,
State Tax Commissioner.

E. A. DOVER,
Chief Accountant.

Dated March, 1919.

Referred to the Committee on Taxation and Finance.

Mr. Pettigrew (by request) offered the following resolution:

Resolved, That F. A. McGrew, and one stenographer to be designated by him be paid for a period of thirty days, at the rate of eight dollars per day each, for work performed under resolution adopted at the regular session of the legislature of 1919.

And that the sergeant-at-arms is hereby directed to draw, and the state auditor authorized to pay his warrants therefor.

Referred to the Committee on Rules.

A message from the Senate by Mr. Scherr, announced the concurrence of that body in the adoption of

HOUSE CONCURRENT RESOLUTION No. 7.

"Relating to the next United States loan."

Resolved by the House of Delegates, the Senate concurring:

That Hon. W. A. McCorkle be, and he is hereby, invited to address the legislature in joint session at eleven o'clock, A. M., on Wednesday, the twenty-sixth day of March, one thousand nine hundred and nineteen, in the hall of the House of Delegates, upon the subject of the next United States loan.

On motion of Mr. Coberly, indefinite leave of absence was granted to Mr. O'Connor, on account of illness in his family.

A message from the Senate by Mr. Kump, announced the concurrence of that body in the adoption of

HOUSE CONCURRENT RESOLUTION No. 4—"Providing for the appointment by the governor of a committee to co-operate with the federal government relative to securing the location of a project or projects, in this state, in the event of the passage by congress of soldier settlement legislation."

WHEREAS, The department of the interior has under consideration and will present to congress at its next session, regular or special, certain soldier settlement legislation, which, if acted upon favorably, will provide for creating projects in the several states where former soldiers and sailors may obtain and develop land suitable for the establishment of homes; and,

WHEREAS, It is desirable that the state of West Virginia co-operate with the federal government, in the event of such federal legislation, to the end that one or more of such projects be established within the state; therefore, be it

Resolved, That the governor be and is hereby authorized, in the event of the passage by congress of soldier settlement legislation, to appoint a committee of five public-spirited citizens of the state to co-operate with the federal government in securing information relative to possible locations for projects and to aid in obtaining such project or projects for the state of West Virginia.

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for

the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, coming up in regular order for consideration, pending the following amendment proposed by Mr. Wysong:

Section 13. *Provided*, that this bill before coming effective shall be submitted to a vote of the people at the next general election, and be approved by a majority of all the votes cast both for and against the adoption of this act. There shall be on the ballot two squares for marking a cross. Opposite one must be printed "For the payment of Virginia Debt." Opposite the other must be printed "Against the payment of Virginia Debt."

Mr. Starcher moved that the bill (S. B. No. 9) be laid over, retaining its place on the calendar, until tomorrow, and

On that question,

Mr. Swisher demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coon, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Hersman, Hobbs, Howard, Mahan, Morris, Musser, McDermitt, Neale (of Cabell), Nutter, Otto, Peck, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss and Wolfe (Speaker)—30.

The noes were:

Messrs. Anderson, Blackhurst, Bland, Brand, Bray, Coberly, Cunningham, Cuppett, Ferguson, Fitch, Grove, Hackney, Hale, Hall, Hamilton, Harvey, Houvouras, John, Jones, Kuykendall, Lantz, Miller, Mollohan, Moore, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Parsons, Perin, Pettigrew, Pridemore, Rouss, Sarver, Shomo, Summers, Swisher, Thomas, Thurmond and Twyman—42.

Absent and not voting:

Messrs. Bannister, Calhoun, Capehart, Coleman, Cosner, Cox, Hays, Hickman, Hilleary, Kern, Lester, Moran, McPherson, O'Connor, Scott, Shaw, Sturm, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—21.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

On motion of Mr. Starcher, the House recessed until 2 o'clock, P. M.

Pursuant to the adoption by the legislature of House Concurrent

Resolution No. 7, the Hon. W. A. McCorkle addressed the joint assembly in the hall of the House of Delegates on the subject of the Fifth Liberty Loan. At the conclusion of his address the joint assembly extended to him a vote of thanks.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, pending the following amendment proposed by Mr. Wysong:

Section 13. *Provided*, that this bill before coming effective shall be submitted to a vote of the people at the next general election, and be approved by a majority of all the votes cast both for and against the adoption of this act. There shall be on the ballot two squares for marking a cross. Opposite one must be printed "For the payment of Virginia Debt." Opposite the other must be printed "Against the payment of Virginia Debt."

Being under consideration at the time of recess, was again taken up for further consideration.

(Mr. Perin in the Chair.)

The amendment proposed by Mr. Wysong was again reported by the Clerk, and

On that question, on the adoption of the amendment, the demand for the ayes and noes having been heretofore sustained and ordered, they were taken as follows:

The ayes were:

Messrs. Blizzard, Clements, Fortney (of Harrison), Hersman, Howard, Miller, Musser, Neale (of Cabell), Nutter, Rankin, Sarver, Spangler, Starcher, Stover, Taylor, Vaughn and Williams (of Pleasants)—17.

The noes were:

Messrs. Anderson, Blackhurst, Brand, Brammer, Bray, Byrnes, Coberly, Coon, Cuppett, Fitch, Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hendricks, Hobbs, Houvouras,

John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McPherson, McVey, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Weiss and Wolfe (Speaker)—54.

Absent and not voting:

Messrs. Bannister, Bland, Calhoun, Capehart, Coleman, Cosner, Cox, Cunningham, Ferguson, Grove, Hays, Hickman, Hilleary, McDermitt, Neal (of Webster), O'Connor, Scott, Shaw, Sturm, Vanmeter, Williams (of Ohio) and Wysong—22.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment did not prevail.

The Speaker resumed the Chair.

The question coming up on the motion lodged by Mr. Richards, as appears in the Journal of the House of Delegates of March 21, on page 9, which motion is as follows:

"That the House reconsider the vote by which it on yesterday, March twentieth, refused to adopt amendment to the bill (S. B. No. 9) on page ten, in section six, to strike out all that follows after the word 'aforesaid' in line eight, down to and including the word 'act' in line fourteen."

On that question,

Mr. Anderson demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bray, Ferguson, Hale, Hall, Hamilton, Harvey, Kern, Kuykendall, Mahan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Parsons, Perin, Pettigrew, Pridemore, Rouss, Summers, Swisher, Thomas, Thurmond, Twyman and Wolfe (Speaker)—28.

The noes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Byrnes, Clements, Coberly, Coon, Cunningham, Cuppett, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Lantz, Lester, Miller, Musser, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Peck, Rankin, Richards, Sarver, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss and Williams (of Pleasants)—44.

Absent and not voting:

Messrs. Bannister, Bland, Calhoun, Capehart, Coleman, Cosner, Cox, Grove, Hays, Hickman, Hilleary, Mollohan, Morris, O'Connor, Pedigo, Scott, Shaw, Sturm, Vanmeter, Williams (of Ohio) and Wysong—21.

So, a majority of all the members present and voting, not having voted in the affirmative, the motion to reconsider did not prevail.

The bill (S. B. No. 9) was then ordered to its third reading.

The Speaker laid before the House the following telegram from the Hon. Randolph Harrison, of Virginia, which was read by the Clerk and ordered printed in the Journal:

LYNCHBURG, Va., March 20, 1919.

SPEAKER OF THE HOUSE OF DELEGATES,

State House, Charleston, W. Va.

I am taking the liberty of calling your attention to the provision beginning line eight, page ten, Engrossed Senate Bill No. 9, which is not in accord with the agreement of settlement between the two states. This provision applies to the delivery of the bonds in settlement of the balance of the judgment and would make the settlement conditional instead of unconditional. The bonds which are accepted in settlement of the balance of the judgment should be delivered unconditionally, just as the check for the cash payment is to be delivered unconditionally. The information called for by this proviso is called for in the same section of the bill in connection with the reserve bonds, to which we make no objection, but to make the delivery of the bonds with which the judgment is to be paid conditional according to the proviso would be a serious departure from the agreement between the two states.

RANDOLPH HARRISON.

Mr. McClintic from the Committee on Rules, offered the following resolution:

Resolved, That F. A. McGrew be paid for a period of thirty days, at the rate of eight dollars per day out of the contingent fund, House of Delegates, extraordinary session, for work performed under resolution adopted at the regular session of the legislature of 1919.

And that the sergeant-at-arms is hereby directed to draw, and the state auditor authorized to pay his warrants therefor out of said contingent fund, in advance of the passage of the legislative appropriation bill, and that the work directed done be discontinued by the said F. A. McGrew.

Resolved, further, that the per diem of the Clerk of the Committee on Taxation and Finance be extended thirty days from the close of

the last regular session to file all official papers and documents, and close up the business of the regular session, and the sergeant-at-arms of the House of Delegates be authorized and directed to draw his warrant upon the auditor for same at the rate per diem paid during the regular session payable out of the contingent fund of the House of Delegates, extraordinary session, and the auditor is authorized and directed to pay same in advance of the passage of a legislative appropriation bill for the extraordinary session; and that said clerk be relieved from further duty under resolution adopted by the House, February 21st.

WHEREAS, the following named attaches of the House of Delegates have been faithful in the performance of their duties; and

WHEREAS, no other provisions have been made for the payment of the wages due them; therefore be it

Resolved, That the sergeant-at-arms is hereby directed to draw his warrant on the auditor in favor of Harvey Johnson, James Bass, Arthur Ragland, Edward Scott, Charles Thompson and Gabriel Zacks, janitors; Lizzie Scruggs, charwoman; and John Campbell, T. W. Parsons and Lewis Shaffer, watchmen, for the per diem that is or may become due to each, payable out of the contingent fund of the House of Delegates, extraordinary session, 1919, at the per diem of \$5.00 and the auditor is hereby authorized and directed to pay same in advance of the passage of the legislative appropriation bill.

Resolved, further, that no extra allowance will be made for any of the above named attaches.

On the further motion of the same gentleman, the rules were suspended and the resolution was taken up for immediate consideration and adopted.

A message from the Senate by Mr. Arnold, announced the passage by that body of

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thou-

sand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

And asked the concurrence of the House therein.

House Bill No. 20—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Twyman, laid over, retaining its place on the calendar.

On motion of Mr. Moore

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter

thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

Was taken up out of its regular order for immediate consideration and read a first time.

Mr. Moore moved that reference of the bill to a committee be dispensed with,

Which motion did not prevail.

The bill (S. B. No. 7) was then referred to the Committee on Taxation and Finance.

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."

On third reading, coming up in regular order for consideration, was read a third time.

Mr. Kuykendall lodged the following motion,

"That the vote by which Senate Bill No. 5 was substituted for and in lieu of House Bill No. 8 be reconsidered."

Mr. Kuykendall then moved that the House adjourn.

Which motion did not prevail.

Mr. Swisher moved that further action on Senate Bill No. 5 be indefinitely postponed.

Mr. McCauley in the chair.

On that question,

Mr. Starcher demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Clements, Ferguson, (Fortney (of Harrison)), Godfrey, Hall, Hersman, Hobbs, Howard, Jones, Lantz, Lester, Mahan, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Peck, Rankin, Richards, Sarver, Spangler, Swisher, Taylor, Thurmond, Twyman, Vaughn and Wolfe (Speaker)—36.

The noes were:

Messrs. Anderson, Bray, Coberly, Coon, Cunningham, Cuppett, Fitch, Fortney (of Preston), Hackney, Hale, Hamilton, Harvey, Hendricks, Houvouras, Kern, Kuykendall, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Pedigo, Perin, Pettigrew, Pridemore, Rouss, Shomo, Starcher, Stover, Summers, Thomas and Weiss—36.

Absent and not voting:

Messrs. Bannister, Bland, Byrnes, Calhoun, Capehart, Coleman, Cosner, Cox, Grove, Hays, Hickman, Hilleary, John, O'Connor, Scott, Shaw, Sturm, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wy song—21.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to indefinitely postpone the bill (S. B. No. 5) did not prevail.

The bill (S. B. No. 5) was then put upon its passage with its title.

Pending the announcement of the vote, Mr. Blizzard moved that the announcement of the vote be postponed until tomorrow, March 27th, at 10 o'clock, A. M.,

Which motion did not prevail.

The vote was then announced as follows:

On the passage of the bill,

The ayes were:

Messrs. Anderson, Bray, Byrnes, Calhoun, Coon, Cunningham, Cuppett, Fitch, Fortney (of Preston), Hackney, Hale, Hamilton, Hendricks, Houvouras, John, Kern, Kuykendall, Miller, Mollohan, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neale (of Cabell), Nutter, Pedigo, Perin, Pettigrew, Pridemore, Rouss, Starcher, Stover, Summers, Thomas and Weiss—38.

The noes were:

Messrs. Blackhurst, Blizzard, Brand, Brammer, Clements, Ferguson, Fortney (of Harrison), Godfrey, Hall, Harvey, Hersman, Hobbs, Howard, Jones, Lantz, Lester, Mahan, Morris, Musser, McDermitt, McPherson, Neal (of Webster), Otto, Parsons, Peck, Rankin, Richards, Sarver, Spangler, Swisher, Taylor, Thurmond, Twyman, Vaughn and Wolfe (Speaker)—35.

Absent and not voting:

Messrs. Bannister, Bland, Capehart, Coberly, Coleman, Cosner, Cox, Grove, Hays, Hickman, Hilleary, O'Connor, Scott, Shaw, Shomo,

Sturm, Vanmeter, Williams (of Ohio), Williams (of Pleasants) and Wysong—20.

Ordered, That Mr. Pettigrew communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 5).

On motion of Mr. Lantz, the House adjourned.

THURSDAY, MARCH 27, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Blackhurst, member of the House from the county of Pocahontas.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

The Clerk of the House read the following communication received from the Senate, which was ordered printed in the Journal:

CHARLESTON, W. VA.,

March 26, 1919.

"HON. C. L. TOPPING,

Clerk of the House of Delegates.

DEAR SIR:

"The Senate this day refused to concur with the House of Delegates in the passage of

House Bill No. 3—"A Bill to raise additional revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor stations, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas compressor stations."

"Said bill is herewith returned.

"Yours truly,

"JOHN T. HARRIS,

Clerk of the Senate."

Mr. Weiss moved that

Senate Bill No. 5—"A Bill to fix the salary of the judges of the circuit courts and to repeal the several acts heretofore passed, authorizing special allowances by county courts to be paid to such judges."

Which was, on yesterday, passed by the House, be recalled from the Senate, for further consideration, and

On that question,

Mr. Brand demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Brand, Brammer, Coon, Ferguson, Fortney (of Harrison), Godfrey, Hall, Harvey, Hersman, Hobbs, Howard, Jones, Lantz, Lester, Mahan, Mollohan, Morris, Musser, McDermitt, McPherson, Otto, Parsons, Peck, Rankin, Richards, Sarver, Spangler, Swisher, Taylor, Thurmond, Twyman, Weiss, Williams (of Pleasants), and Wolfe (Speaker)—34.

The noes were:

Messrs. Anderson, Blackhurst, Blizzard, Bray, Byrnes, Capehart, Clements, Coberly, Cunningham, Cuppett, Fitch, Fortney (of Preston), Grove, Hackney, Hale, Hamilton, Hays, Hendricks, Houvouras, John, Kern, Kuykendall, Miller, Moore, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Pedigo, Perin, Pettigrew, Pridemore, Rouss, Starcher, Stover, Summers, Thomas and Wysong—43.

Absent and not voting:

Messrs. Bannister, Bland, Calhoun, Coleman, Cosner, Cox, Hickman, Hilleary, O'Connor, Scott, Shaw, Shomo, Sturm, Vaughn, Vanmeter and Williams (of Ohio)—16.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

House Bill No. 20—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter

thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Moore. laid over, retaining its place on the calendar.

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On third reading, coming up in regular order for consideration,

Mr. Starcher moved that the bill (S. B. No. 9) be laid over until tomorrow afternoon, retaining its place on the calendar, and

On that question,

Mr. John demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blackhurst, Blizzard, Brammer, Byrnes, Capchart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Sarver, Shomo, Spangler, Starcher, Stover, Taylor, Vaughn, Weiss, Wyson and Wolfe (Speaker)—58.

The noes were:

Messrs. Anderson, Bray, Hall, Hamilton, Kern, Kuykendall, Lantz, Lester, McCauley, McClaren, Parsons, Pridemore, Rouss, Summers, Swisher, Thomas, Thurmond, Twyman and Williams (of Pleasants)

—19.

Absent and not voting :

Messrs. Bannister, Bland, Brand, Calhoun, Coleman, Cosner, Cox, Hale, Hickman, Hilleary, O'Connor, Scott, Shaw, Sturm, Vanmeter and Williams (of Ohio)—16.

So, a majority of all the members present and voting having voted in the affirmative, the motion prevailed.

Senate Bill No. 1—"A Bill to amend and re-enact section two of chapter one hundred and twenty-six of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to rate and manner of laying levies for taxation."

On third reading, coming up in regular order for consideration, was read a third time.

Unanimous consent being given,

On motion of Mr. McCauley, the bill was amended as follows:

On page six, section (b), line fifty-nine, by inserting after the words "twenty-five cents" the words "on all taxable property throughout the county."

The bill, as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blackhurst, Blizzard, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hackney, Hale, Hall, Hamilton, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Rouss, Sarver, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—73.

The noes were:

None.

Absent and not voting :

Messrs. Bannister, Bland, Brand, Calhoun, Coleman, Cosner, Cox, Grove, Hickman, Hilleary, John, McPherson, O'Connor, Perin, Scott, Shaw, Sturm, Thomas, Vanmeter and Williams (of Ohio)—20.

Ordered. That Mr. Howard communicate to the Senate the passage of the bill (S. B. No. 1) as amended, and ask concurrence in the amendment thereto.

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

On third reading, coming up in regular order for consideration, Mr. Weiss moved that the bill (H. B. No. 18) be laid over until tomorrow, retaining its place on the calendar.

Which motion did not prevail.

Whereupon,

Mr. Moran moved that the House recess until 2 o'clock, P. M.

Pending which,

Mr. Weiss moved that the House adjourn.

Which motion did not prevail.

The question recurring on the motion of Mr. Moran to recess until 2 o'clock, P. M.

The same was put by the Chair and prevailed.

AFTERNOON SESSION.

The House met at the expiration of the recess.

On motion of Mr. Starcher, the House adjourned.

FRIDAY, MARCH 28, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

On motion of Mr. Ferguson, leave of absence for two days was granted to Mr. Harvey.

Mr. Moore offered the following resolution:

"WHEREAS, The floor stenographers have been receiving a per diem of only \$6.00 per day during this special session; and

WHEREAS, They have been most loyal, deserving and punctual upon their attendance, and have rendered good and efficient service; therefore be it

Resolved, That the said floor stenographers of this House be given an increase of \$2.00 per diem, making a total of \$8.00 per diem for this special session, and that the sergeant-at-arms be ordered to pay the same out of the contingent fund of the House, and the auditor is hereby directed to pay the same upon warrants issued by the sergeant-at-arms under this resolution."

Referred to the Committee on Rules.

Mr. Wysong presented a communication by O. D. Hill, of Kendalia, W. Va., relating to the Virginia debt, which was read by the Clerk.

On motion of Mr. John, the communication was ordered filed with other papers relating to the Virginia debt.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 5)—An Act to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid to such judges.

Also,

(H. B. No. 19)—An Act to provide for the renewal of professional teachers' certificates, and fixing the fees and condition of payment therefor.

Also,

(H. B. No. 2)—An Act authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the twenty-eighth day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 5)—An Act to fix the salary of the judges of the circuit courts and to repeal the several acts, heretofore passed, authorizing special allowances by county courts to be paid to such judges.

Also,

(H. B. No. 19)—An Act to provide for the renewal of professional teachers' certificates, and fixing the fees and condition of payment therefor.

Also,

(H. B. No. 2)—An Act authorizing the board of education of Grant district, Wetzel county, West Virginia, to lay a special levy for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty, for the purpose of securing sufficient funds to finish the construction of public school buildings in said district.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Parsons, from the Committee on Taxation and Finance, submitted the following report, which was received:

Your Committee on Taxation and Finance has had under consideration,

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter

one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

Amended by the Committee as follows:

By adding to section one hundred and twenty-a at the end of line thirteen, the following: "*Provided*, that nothing herein contained shall be so construed as to permit any manufacturer's license hereunder to cover a distributor's or wholesaler's license."

And report the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

S. L. PARSONS, *Chairman*,

On motion of Mr. Parsons, the bill (S. B. No. 7) was taken up for immediate consideration.

Mr. McCauley demanded that the bill (S. B. No. 7) be read section by section, for the purpose of amending.

The demand being sustained, the Clerk proceeded to read the bill a second time, section by section.

Mr. Lantz moved to amend the bill in section one, line fifty-seven, after the word "business" by inserting the words "or any machine supplying drinking cups."

Which amendment did not prevail.

On motion of Mr. Vaughn, the bill was amended as follows:

On page four, line twenty-eight, after the word "right" by inserting the words "other than his own."

Mr. Twyman moved to amend the bill on page six, line seventy-eight, by inserting after the word "agency" the words "or to carry on the business of a barber."

Which amendment did not prevail.

Mr. Moran moved to amend the bill by inserting after the word "restaurant" in section one, line two, the following: "*Provided, however*, this section shall not apply to hotels in cities, towns or villages having a population of less than three thousand."

Pending which,

Mr. McClintic moved to substitute the amendment by striking out all of line two, sub-section (a) of section one.

Pending the discussion of the substitute amendment,

Mr. Kuykendall moved the previous question.

The question prevailing, the Speaker propounded the main question: "Shall the substitute amendment proposed by Mr. McClintic be adopted?" and

On that question,

Mr. Moore demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Bray, Coberly, Fortney (of Preston), Grove, Hackney, Hays, Hersman, Hobbs, Kuykendall, Mahan, Mollohan, McCauley, McClintic, McVey, Neal (of Webster), Nutter, Perin, Pettigrew, Rankin, Rouss, Thomas, Thurmond and Williams (of Pleasants)—23.

The noes were:

Messrs. Anderson, Blizzard, Brammer, Byrnes, Capehart, Clements, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Godfrey, Hale, Hall, Hendricks, Houvouras, John, Jones, Lantz, Lester, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McDermitt, McPherson, Neale (of Cabell), Otto, Parsons, Peck, Pedigo, Pridemore, Richards, Sarver, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—49.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Cosner, Cox, Hamilton, Harvey, Hickman, Hilleary, Howard, Kern, O'Connor, Scott, Shaw, Sturm, Summers, Vanmeter and Williams (of Ohio)—21.

So, a majority of all the members present and voting not having voted in the affirmative, the substitute amendment did not prevail.

The question recurring on the adoption of the amendment proposed by Mr. Moran,

The same was put by the Chair and did not prevail.

On motion of Mr. McClintic, the bill was amended as follows:

On page five, line forty-four, sub-section (p) by striking out the words "dirks, slung-shots, billies, bowie knives, metallic or other false knuckles," and by inserting after the word "kind" the following: "It shall be unlawful to sell dirks, slung-shots, billies, bowie knives, metallic or other false knuckles or weapons of like kind in the state of West Virginia after the first day of July, one thousand nine hundred and nineteen."

Mr. Mahan moved to amend the bill on page three, section one, line two, by inserting after the word "house" the words "hot dog."

Which amendment did not prevail.

Mr. Bray moved to amend the bill on page eight, section sixty-four, lines sixteen and seventeen, by striking out the words "five hundred" and inserting in lieu thereof the words "three hundred."

Which amendment did not prevail.

Mr. Moran moved to amend the bill on page eight, line five, by striking out the word "fifty" and inserting in lieu thereof the words "twenty-five."

Which amendment did not prevail.

Mr. Pettigrew moved to amend the bill on page ten, section one hundred and fourteen, line twenty, by striking out the following words: "*Provided, further*, that no tax or fee shall be imposed on any license to act as hawker or peddler, granted to any soldier of any war in which the United States has been engaged."

Which amendment did not prevail.

Mr. Coberly moved to amend the bill on page three, line four, by inserting after the word "kind" the following: "*Provided*, that no license or license tax shall be required of any soldier of the civil war to operate or conduct a pool table or tables in this state."

Whereupon,

Mr. Moran moved to amend the amendment by adding thereto the following: "*Provided, however*, such soldier is operating a pool room exclusively for his own profit."

Which amendment to the amendment did not prevail.

The question recurring on the amendment proposed by Mr. Coberly, the same was put by the Chair and did not prevail.

On motion of Mr. McClintic, the House recessed until 2:30 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

A message from the Senate by Mr. Arnold, announced that that body had amended by substitution and passed as amended

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for maintenance of the people, and tagging and taxing dogs."

And asked the concurrence of the House therein.

Senate Bill No. 7—"A Bill to amend and re-enact section one of chapter thirty-two of Barnes' code of West Virginia, one thousand

nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen and section one hundred and twenty-a of chapter one hundred and two of the acts of the regular session of the legislature, one thousand nine hundred and sixteen, relating to regulations respecting licenses and license taxes on the manufacture and sale, at wholesale, of soft drinks."

On second reading, being under consideration at the time of recess, was taken up for further consideration.

Mr. Hall moved to amend the bill on page nine, section one hundred and fourteen, line three, by striking out the words "one hundred" and inserting in lieu thereof the word "fifty."

Whereupon,

Mr. Wysong moved to amend the amendment by striking out the words "one hundred" and inserting in lieu thereof the words "two hundred."

Which amendment to the amendment did not prevail.

The question recurring on the amendment proposed by Mr. Hall, The same was put by the Chair and did not prevail.

Mr. Pettigrew moved to amend the bill on page twelve, line eleven, by striking out the words "twenty-five" and inserting in lieu thereof the words "one hundred" and by striking out all after the word "annually" in line eleven.

Which amendment did not prevail.

Mr. Nutter moved to amend the bill on page twelve by striking out all of line thirteen and inserting in lieu thereof the words "to the amount of five hundred dollars."

Which amendment did not prevail.

On motion of Mr. Moore, the Speaker was authorized to appoint a committee of six members of the House to propose an amendment to section one hundred and twenty-a, that being the section under consideration, and a recess of ten minutes was ordered in which to prepare said amendment.

Whereupon,

The Speaker named as such committee Messrs. Moore, Richards, McClintic, Perin, McCauley and Pettigrew.

The House met at the expiration of the recess.

On motion of Mr. Pettigrew, from the committee heretofore appointed to draft an amendment to section one hundred and twenty-a

of the bill under consideration (S. B. No. 7), the following amendment was adopted:

Strike out all of section one hundred and twenty-a and insert in lieu thereof the following:

Sec. 120-a. The state tax on every retailer, wholesaler, distributor or manufacturer engaging in the manufacturing, preparing, mixing, compounding, selling or distributing any and all preparations of every kind, character and nature, commonly called and known as soft drinks, such as are prepared, mixed and sold at what is commonly called a soda fountain, and all such preparations as bevo, pablo, milo, moxie, ginger ale, near beer, coca cola, pop and all other preparations, mixtures, compounds of every kind and character, commonly called and known as soft drinks, shall be, on each manufacturer, wholesaler or distributor, the sum of one hundred dollars, annually, and on each retailer the sum of two dollars annually; *provided*, that nothing in this act contained shall be construed to require any such manufacturer to pay the license herein provided for, whose annual gross business does not exceed two thousand five hundred dollars, nor to prevent any such manufacturer, whose annual gross business does not exceed two thousand five hundred dollars, from distributing the product of his own manufacture without paying the license fee aforesaid.

On motion of Mr. Pettigrew, the bill was amended on page six, line seventy-nine, by inserting after the word "wholesale" the words "or retail."

On motion of Mr. Lantz, the bill was amended on page three by inserting after the word "peddler" in line sixteen, the following:

"Provided, no person not a citizen of the United States shall be licensed to act as a hawker or peddler."

Mr. McVey moved to amend the bill by striking out the enacting clause, and

On that question,

Mr. Hays demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending the announcement of the vote,

Mr. Moore moved the announcement of the vote be postponed until tomorrow morning at 10 o'clock.

Which motion did not prevail.

Whereupon the Clerk announced the vote as follows:

The ayes were:

Messrs. Anderson, Bray, Clements, Coberly, Cunningham, Cuppett, Grove, Hackney, Hale, Hall, Hays, Hobbs, Kern, Kuykendall, Lantz, Lester, Miller, Mollohan, Moran, Musser, McClaren, McClintic, McVey, Neal (of Webster), Perin, Rouss, Starcher, Summers, Thomas, Thurmond and Williams (of Pleasants)—31.

The noes were:

Messrs. Blizzard, Brammer, Byrnes, Capehart, Coon, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Hendricks, Hersman, Houvouras, Jones, Mahan, Moore, Morris, Moulds, McCauly, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Peck, Pedigo, Pettigrew, Pridemore, Rankin, Richards, Shomo, Spangler, Stover, Swisher, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—41.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Cosner, Cox, Hamilton, Harvey, Hickman, Hilleary, Howard, John, O'Connor, Sarver, Scott, Shaw, Sturm, Vanmeter and Williams (of Ohio)—21.

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

The bill (S. B. No. 7), as amended, was then ordered to its third reading.

A message from the Senate by Mr. Stewart, announced the adoption by that body of

SENATE CONCURRENT RESOLUTION NO. 4.

"Modifying, in certain respects, the distribution of the one thousand nine hundred and eighteen edition of the 'West Virginia Legislative Hand Book and Manual and Official Register.'"

WHEREAS, on the night of March seventh, one thousand nine hundred and nineteen, in a fire that occurred in the bindery of the Union Printing Company, leased by the public printer, in the city of Charleston, more than one-half of the one thousand nine hundred and eighteen edition of the West Virginia Legislative Hand Book and Manual and Official Register was destroyed either by fire or water; and

WHEREAS, while the unfinished books in the bindery were fully covered by insurance, and the state sustained no loss, it is impracticable at this late day to re-print the edition; therefore be it

Resolved by the Senate, the House of Delegates concurring therein:

That the plan of distribution of the Hand Book adopted in one thousand nine hundred and seventeen as to the one thousand nine hundred and eighteen edition, as follows:

Ten copies to each member of the legislature.

One hundred and sixty copies to the department of free schools for supplying county superintendents and principals of high schools.

Fifty copies to the department of archives and history for exchange with other states and for public libraries outside the state.

And asked the concurrence of the House therein.

On motion of Mr. Moore, the resolution was taken up for immediate consideration, read by the Clerk and adopted.

Ordered, That Mr. Moore communicate to the Senate the concurrence of the House in the adoption of the resolution (S. C. R. No. 4).

A message from the Senate, by Mr. Duty, announced the passage by that body of

Senate Bill No. 17—"A Bill authorizing co-operation between the state department of agriculture and the United States department of agriculture and prescribing duties for assessors in relation thereto, and to secure a more perfect listing of agricultural land and products."

And asked the concurrence of the House therein.

On motion of Mr. Morris,

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for the maintenance of the people, and tagging and taxing dogs."

As amended by the Senate, by substitution, was taken up for immediate consideration.

The substitute proposed by the Senate was reported by the Clerk.

On the further motion of the same gentleman, the House refused to concur in the amendment by substitution, and asked that the Senate recede therefrom, and also requested a conference.

Ordered, That Mr. Morris communicate to the Senate the action of the House of Delegates.

Whereupon,

The Speaker appointed the following conferees on the part of the House: Messrs. Morris, Hackney and Hays.

A message from the Senate, by Mr. Gribble, announced that the Senate had concurred in the House amendments to

Senate Bill No. 1—"A Bill to amend and re-enact section two of chapter one hundred and twenty-six of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to the rate and manner of laying levies for taxation."

Mr. Pridemore moved that

House Bill No. 13—"A Bill to amend and re-enact chapter nine of the second extraordinary session of the legislature of one thousand nine hundred and seventeen, and being an act to provide protection for the lives and properties of the inhabitants of the state of West Virginia, and to add certain sections thereto."

Be taken from the table for immediate consideration.

Pending which,

Mr. Grove moved that the House adjourn,

Which motion did not prevail.

Pending a discussion by Mr. McClintic, as to the effect of taking the bill (H. B. No. 13) from the table,

Mr. Wysong rose to the point of order that the question was not debatable,

Which point of order the Chair held well taken.

The question recurring on the motion of Mr. Pridemore to take the bill (H. B. No. 13) from the table,

On that question,

Mr. Starcher demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hobbs, Houvouras, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Swisher, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—38.

The noes were:

Messrs. Anderson, Bray, Capehart, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hall, Hays, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Rouss, Shomo, Summers, Taylor, Thomas and Thurmond—34.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Cosner, Cox, Hale, Hamilton, Harvey, Hickman, Hilleary, Howard, O'Connor, Sarver, Scott, Shaw, Sturm, Vanmeter and Williams (of Ohio)—21.

So, a majority of all the members present and voting having voted in the affirmative, the motion to take the bill (H. B. No. 13) from the table prevailed.

Mr. Thurmond moved that the House adjourn.

Which motion did not prevail.

Mr. McClintic moved that the House recess until 8 o'clock, P. M., and

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Anderson, Bray, Capehart, Cunningham, Cuppett, Ferguson, Godfrey, Grove, Hall, Hays, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Rouss, Shomo, Summers, Taylor, Thomas and Thurmond—34.

The noes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hobbs, Houvouras, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Swisher, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—38.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Cosner, Cox, Hale, Hamilton, Harvey, Hickman, Hilleary, Howard, O'Connor, Sarver, Scott, Shaw, Sturm, Vanmeter and Williams (of Ohio)—21.

So, a majority of all the members present and voting not having voted in the affirmative, the motion to recess until 8 o'clock, P. M.. did not prevail.

The bill (H. B. No. 13) was then read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coberly, Coon, Fitch, Fortney (of Harrison), Fortney (of Preston), Hackney, Hendricks, Hersman, Hobbs, Houvouras, Jones, Kuykendall, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Pridemore, Rankin, Richards, Spangler, Starcher, Stover, Swisher, Taylor, Twyman, Vaughn, Weiss, Williams (of Pleasants), Wysong and Wolfe (Speaker)—40.

The noes were:

Messrs. Anderson, Bray, Capehart, Cuppett, Ferguson, Godfrey, Grove, Hall, Hays, John, Kern, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Peck, Perin, Pettigrew, Rouss, Shomo, Summers, Thomas and Thurmond—31.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Cosner, Cox, Cunningham, Hale, Hamilton, Harvey, Hickman, Hilleary, Howard, O'Connor, Sarver, Scott, Shaw, Sturm, Vanmeter and Williams (of Ohio)—22.

Ordered, That Mr. Wysong communicate to the Senate the passage of the bill (H. B. No. 13) and ask concurrence therein.

Mr Wysong moved that the House recall from the Senate,

House Bill No. 4—"A Bill creating a department of public safety, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the state police for misconduct in office."

For further consideration.

Which motion the Chair held out of order.

On motion of Mr. Weiss, the House adjourned.

.....
Speaker of the House of Delegates.

.....
Clerk of the House of Delegates.

SATURDAY, MARCH 29, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of yesterday,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

Mr. Twyman moved that the House recall from the Senate

House Bill No. 4—"A Bill creating a department of public safety, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the department of public safety for misconduct in office."

Whereupon,

Mr. McClintic rose to the point of order that this bill was passed by this House on Monday, the twenty-fourth; was reported to the Senate on Tuesday, the twenty-fifth; the motion to reconsider its passage was made on Tuesday, the twenty-fifth, and consideration of that motion indefinitely postponed; that the action of this House in reference to this bill became final on last Tuesday and that the motion, therefore, was out of order.

Which point of order the Chair held well taken.

A message from the Senate, by Mr. Arnold, announced the passage by that body of

Senate Bill No. 18—"A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment."

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred and twenty, and for the fiscal year ending June thirtieth, one thousand nine hundred and twenty-one, the following sums of money for the following named purposes:

Sec. 2. To pay additional salaries of the judges of the circuit courts in accordance with an act of the one thousand nine hundred and nineteen legislature, first extraordinary session:

For the year ending June 30, 1920..... \$44,800.00

For the year ending June 30, 1921..... 44,800.00

And asked the concurrence of the House therein.

On motion of Mr. Coon, indefinite leave of absence was granted to Mr. Howard.

On motion of Mr. John, indefinite leave of absence was granted to Mr. Brand.

On motion of Mr. Kern, indefinite leave of absence was granted to Mr. Hamilton.

A message from the Senate, by Mr. Arnold, announced that that body had refused to recede from its amendment, by substitution, to

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for the maintenance of the people, and tagging and taxing dogs,"

And had appointed as conferees, on the part of the Senate, Messrs. Hunter, Arnold and Burr.

House Bill No. 20—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Twyman, laid on the table.

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and

sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On third reading, coming up in regular order for consideration, was

On motion of Mr. Moore, made a special order for 3:05 o'clock, this afternoon.

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

On third reading, coming up in regular order for consideration, was

On motion of Mr. McClintic, made a special order for 3 o'clock, this afternoon.

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Fitch, Fortney (of Harrison), Godfrey, Hersman, Hobbs, Houvouras, John, Jones, Lester, Mahan, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Peck, Pridemore, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Swisher, Taylor, Twyman, Weiss, Wysong and Wolfe (Speaker)—37.

The noes were:

Messrs. Anderson, Bray, Capehart, Clements, Coberly, Cunningham, Cuppett, Ferguson, Fortney (of Preston), Grove, Hackney, Hale, Hays, Hilleary, Kern, Kuykendall, Lantz, Miller, Mollohan, McCauley, McClaren, McClintic, McVey, Neal (of Webster), Perin, Pettigrew, Rouss, Scott, Summers, Thomas and Thurmond—31.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Coon, Cosner, Cox, Hall, Hamilton, Harvey, Hendricks, Hickman, Howard, Moran, O'Connor, Pedigo, Sarver, Shaw, Sturm, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—25.

Ordered, That Mr. Hersman communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 7), as amended by the House, and ask concurrence of the Senate in the amendments thereto.

House Bill No. 11—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On second reading, coming up in regular order for consideration, was

On motion of Mr. Moore, laid on the table.

Senate Bill No. 13—"A Bill to authorize the purchase in the open market of the bonds of this state, issued in the settlement of West Virginia's part of the Virginia debt."

On first reading, coming up in regular order for consideration,

On motion of Mr. Moore, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

The ayes were:

On dispensing with the constitutional rule,

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hays, Hersman, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Neal (of Webster), Nuttner, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thurmond, Twyman, Weiss, Wyson and Wolfe (Speaker)—66.

The noes were:

Messrs. Lester and Rankin—2.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bannister, Bland, Calhoun, Coleman, Coon, Cosner, Cox, Hall, Hamilton, Harvey, Hendricks, Hickman, Hilleary, Howard, McPherson, O'Connor, Shaw, Sturm, Thomas, Vaughn, Vanmeter, Williams (of Ohio) and Williams (of Pleasants)—25.

On the further motion of the same gentleman, the bill was then read a first time by its title and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time.

On the further motion of the same gentleman, the roll call on the passage of the bill was made a special order for 3:15 o'clock this afternoon.

On motion of Mr. John, the House recessed until 2 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

Senate Bill No. 17—"A Bill authorizing co-operation between the state department of agriculture and the United States department of agriculture and prescribing duties for assessors in relation thereto, and to secure a more perfect listing of agricultural land and products."

On first reading, coming up in regular order for consideration,

On motion of Mr. Moore, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blizzard, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hendricks, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Scott, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thomas, Twyman, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—63.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Coon, Cosner, Cox, Hamilton, Harvey, Hays, Hersman, Hickman, Howard, Miller, McCauley, Nutter, O'Connor, Richards, Rouss, Sarver, Shaw, Shomo, Sturm, Thurmond, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—30.

On the further motion of the same gentleman, the bill was then read a first time by its title and ordered to its second reading.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title and ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blizzard, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Hendricks, Hilleary, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Otto, Parsons, Peck, Pedigo, Perin, Pridemore, Rankin, Rouss, Scott, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thomas, Twyman, Weiss, Williams (of Pleasants) and Wolfe (Speaker)—60.

The noes were:

Messrs. Neal (of Webster), Pettigrew, Richards and Thurmond—4.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Brand, Calhoun, Coleman, Coon, Cosner, Cox, Hamilton, Harvey, Hays, Hersman, Hickman, Howard, Lantz, Lester, Miller, McCauley, Nutter, O'Connor, Sarver, Shaw, Shomo, Sturm, Vaughn, Vanmeter, Williams (of Ohio) and Wysong—29.

Ordered, That Mr. Mahan communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 17).

Mr. Starcher offered the following resolution:

Be it Resolved by the House of Delegates:

That all speeches on passage or amendment be limited to three minutes, and on all explanations of votes for the remainder of this session to one minute.

On the further motion of the same gentleman, the rules were suspended and the resolution taken up for immediate consideration and adopted.

On motion of Mr. Moore, the House recessed until 3 o'clock, P. M.

The House met at the expiration of the recess.

On motion of Mr. John, the House adjourned until Monday, March 31.

MONDAY, MARCH 31, 1919

The House met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Rankin, member of the House from the county of Jackson.

Pending the reading of the Journal of Saturday, March 22nd,

On motion of Mr. Weiss, the further reading thereof was dispensed with.

The following communication was received from the Senate, reported by the Clerk and ordered printed in the Journal:

March 29, 1919.

C. L. TOPPING,

Clerk of the House of Delegates.

DEAR SIR:

The Senate has this day concurred in the passage of

House Bill No. 4—"A Bill creating a department of public safety to provide protection for the lives and property of the inhabitants of the state of West Virginia, providing for the appointment of a commissioner of public safety and other officers and members thereof, defining their powers and duties and fixing their compensation, and prescribing penalties for violations hereunder."

And the same is herewith transmitted.

JOHN T. HARRIS,

Clerk of the Senate.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(H. B. No. 4)—An Act creating a department of public safety, to provide protection for the lives and property of the inhabitants of the state of West Virginia, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the department of public safety for misconduct in office.

Respectfully submitted,

WM. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the thirty-first day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 4)—An Act creating a department of public safety, to provide protection for the lives and property of the inhabitants of the state of West Virginia, providing for the appointment of a superintendent, officers and members thereof, defining their powers and duties and fixing their compensation, and creating a board of commissioners to hear and determine charges to be filed against any member of the department of public safety for misconduct in office.

Respectfully submitted,

WM. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

The following communication was received from the Senate, reported by the Clerk and ordered printed in the Journal:

CHARLESTON, W. Va., March 29, 1919.

HON. C. L. TOPPING,

Clerk of the House of Delegates.

DEAR SIR:

The Senate has had under consideration

Engrossed House Bill No. 3—"A Bill to raise additcinal revenue by levying a license tax on the transportation of petroleum and natural gas by means of pipe lines, pumping stations and gas compressor statcions, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, defining the duties of the state tax commissioner hereunder, and regulating the operation of oil and gas pipe lines, gas and oil pumping plants and gas campressor stations."

And the Senate has amended said bill by substitution and passed as amended, together with its title as substituted for and amended

Engrossed Senate Substitute for House Bill No. 3—"A Bill to levy a privilege tax on any person, firm or corcpration engaged in the transportation of crude oil or petroleum, or the distillates thereof, or of natural gas, by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, and defining the duties of the state tax commissioner hereunder."

And the House of Delegates is respectfully asked to concur in the action of the Senate therein.

The original bill and substitute therefor are herewith transmitted.

Yours truly,

JOHN T. HARRIS,

Clerk of the Senate.

On motion of Mr. John the bill (Senate Substitute for House Bill No. 3) was taken up for immediate consideration.

The amendment was reported by the Clerk and is as follows:

Senate Substitute for H. B. No. 3:

"A Bill to levy a privilege tax on any person, firm or corporation engaged in the transportation of crude oil or petroleum, cr the distillates thereof, or of natural gas, by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, and defining the duties of the state tax commissioner hereunder."

Be it enacted by the Legislature of West Virginia:

Section 1. No person, firm or corporation, hereinafter called company, after the first day of July, one thousand nine hundred and

nineteen, shall engage in or continue in the business of the transportation of crude oil or petroleum, or the distillates thereof, or of natural gas, by means of pipe lines, without the payment of an annual privilege tax hereby imposed for engaging in such business; *provided, however*, that nothing contained in this act shall apply to any person, firm or corporation engaged in the business aforesaid where the crude oil, petroleum or distillates thereof, or natural gas, is by the entire system of such person, firm or corporation, transported a distance of less than ten miles.

Sec. 2. Every person, firm and corporation engaged in this state in the transportation of either crude oil or petroleum, or the products and distillates thereof, or of natural gas, or both, by means of pipe lines for sale to consumers within or without the state, or use within or without the state in the making of any products derived therefrom, shall pay to the state, as an annual privilege tax for engaging in such business in the state, two cents for each barrel of crude oil or petroleum, or the distillates thereof, and one-third of one cent for each thousand cubic feet of such natural gas as is so transported or conveyed within this state. *Provided*, that only one such tax, annually, shall be required to be so paid.

Sec. 3. Every person, firm or corporation liable to tax imposed by this act, shall, within sixty days after the first day of July, one thousand nine hundred and nineteen, and within sixty days after the first day of July in each year thereafter, deliver to the state tax commissioner a return in writing showing the quantity of crude oil or petroleum, or the distillates thereof, or of natural gas transported or conveyed within this state during the fiscal year ending on the first day of July next preceding. Such return shall be signed and sworn to by the person making the same for himself or a partnership, and by the president, vice president or other principal accounting officer making the same for a corporation, which return shall be in the form prescribed by the state tax commissioner. The state tax commissioner is hereby invested with full power and authority and it is hereby made his duty to prescribe forms for returns and assessments and to make, issue and put in force all necessary and needful rules and regulations for ascertaining and assessing the tax hereby imposed upon every company.

Sec. 4. The state tax commissioner shall ascertain and assess the tax upon the company making a return, and shall notify it of the amount of such tax by notice deposited in the post office addressed to such company at its principal office or place of business. Such

ascertainment of the tax shall be final and conclusive, unless the same be appealed from in the manner following, within thirty days after such notice is so deposited. If any company fail or refuse to make return, the state tax commissioner shall proceed, in such manner as may be proper, to obtain the facts and information required to be furnished by such return; and to this end he may, by himself or his duly appointed agent, make examination of the books, records and papers of any such company, and may take the evidence, on oath, of any person who he may believe shall be in possession of facts or information pertinent to the subject of inquiry, which oath he or the agent so appointed by him may administer. As soon as possible after procuring such information as he may be able to do with respect to any company failing or refusing to make a return, the state tax commissioner shall proceed to ascertain and assess the tax upon such company, and shall notify it of the amount thereof as hereinbefore provided. And his act shall be final as to any company which refused to make a return.

Sec. 5. If any such company, making a return as provided by this act, feels aggrieved by the assessment so made upon it for any year by the state tax commissioner, it may apply to the board of public works by petition in writing, within thirty days after the notice is deposited as provided in the preceding section, for a hearing and a correction of the amount of the tax so assessed upon it by the state tax commissioner, in which petition shall be set forth the reasons why such hearing should be granted and the amount such tax should be reduced. The board shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted, the board shall notify the petitioner of the time and place fixed for such hearing. After such hearing the board may make such order in the matter as may appear to them just and lawful, and shall furnish a copy of such order to the petitioner.

Sec. 6. No injunction shall be awarded by any court or judge to restrain the collection of all or any part of the taxes imposed and assessed under this act, except upon the ground that the assessment thereof was in violation of the constitution of the United States, or of this state; or, that the same were fraudulently assessed; or that there was a mistake made in the amount of taxes assessed; and in case of mistake no such injunction shall be awarded, unless application shall be first made to the board of public works to correct the alleged mistake, and the board shall refuse to do so, which fact shall be stated in the bill, or unless the complainant pay into the treasury

of the state all taxes appearing by the bill of complaint to be owing.

Sec. 7. Every company so assessed with taxes shall pay the same into the state treasury within sixty days after the date of the mailing of the notice of the amount thereof, or within thirty days after notification of the amount thereof, when ascertained and assessed by the board of public works on appeal. All taxes assessed under provisions of this act against any such company shall constitute a debt to the state, and may be collected by action of assumpsit or appropriate judicial proceeding, which remedy shall be in addition to all other existing remedies for the collection of taxes. It shall be the duty of the state tax commissioner to proceed to collect such taxes with a penalty of ten per centum added thereto, if not paid when due. At the time of paying the taxes the state tax commissioner shall issue to the company paying the same a certificate of payment for the proper fiscal year.

Sec. 8. Any person required or authorized by law to make, sign or verify any return by this act, who makes any false or fraudulent return or statement with intent to defraud the state, or defeat or evade the payment of the tax, or any part thereof, imposed by this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars, nor more than five thousand dollars, to which fine shall be added the costs of prosecution.

Sec. 9. Any company engaging or continuing in the business aforesaid without having first secured a license, as hereinbefore provided, shall be liable to a fine of not less than one thousand dollars nor more than ten thousand dollars.

Sec. 10. All acts and parts of acts inconsistent herewith are hereby repealed.

Whereupon,

Mr. John moved that the House agree to the amendment by substitution proposed by the Senate, and

On that question,

Mr. Moore demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hays, Hendricks, Houvouras, Howard, John, Mahan, Mollohan, Moore, Morris, Mcoulds, Musser, McCauley, McClintic, McDermitt, McVey, Neal (of

Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Shomo, Stover, Taylor, Thomas, Thurmond, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—54.

The noes were:

Messrs. Anderson, Capehart, Hale, Hall, Hersman, Hobbs, Kern, Kuykendall, Lantz, Miller, Moran, McClaren, McPherson, Neale (of Cabell), Sarver, Spangler, Summers, Swisher, Twyman, Williams (of Pleasants) and Wysong—21.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Clements, Coleman, Cox, Hamilton, Harvey, Hickman, Hilleary, Jones, Lester, Scott, Shaw, Starcher, Sturm and Vanmeter—18.

So, a majority of all the members present and voting having voted in the affirmative, the bill (H. B. No. 3) as amended by substitution by the Senate, was agreed to.

On the passage of the bill, as amended by substitution,

The ayes were:

Messrs. Brand, Brammer, Bray, Byrnes, Coberly, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Harvey, Hays, Hobbs, Hucvouras, John, Jones, Kuykendall, Mahan, Mollohan, Moore, Morris, Moulds, Musser, McCauley, McDermitt, McPherson, McVey, Neal (of Webster), O'Connor, Otto, Parsons, Peck, Perin, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Taylor, Thomas, Thurmond, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—51.

The noes were:

Messrs. Anderson, Blizzard, Capehart, Clements, Coleman, Godfrey, Hackney, Hale, Hall, Hendricks, Hersman, Howard, Kern, Lantz, Lester, Miller, Moran, McClaren, McClintic, Neale (of Cabell), Nutter, Pedigo, Pettigrew, Pridemore, Sarver, Stover, Summers, Swisher, Twyman and Williams (of Pleasants)—30.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Hamilton, Hickman, Hilleary, Shaw, Starcher, Sturm and Vanmeter—12.

So, a majority of all the members elected to the House, having voted in the affirmative, the bill as amended by substitution was agreed to.

Ordered, That Mr. John communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (H. B. No. 3) as amended by substitution.

Pending the calling of the roll, when his name was called, Mr. Blizzard said:

MR. SPEAKER: I voted for House Bill No. 3, raising revenue for payment of the Virginia debt, by placing a transportation tax on gas. When our bill reached the Senate it was defeated one day by a vote of nineteen to ten. On the next day the Senate reversed itself and substitute for House Bill No. 3, a "Consumer's Tax on Gas." During the performance the Republican President of a Republican Senate surrendered the gavel to a Democrat. They by a coalition of the nine Democrats with the coal interests, a sufficient number of Republican Senators changed their votes to pass not only a gas tax on West Virginia consumers, but also were able to pass the infamous constabulary bill. I refuse to be traded off in this manner. I vote "No."

Pending the calling of the roll, when his name was called, Mr. Hersman said:

"MR. SPEAKER: I do not consider this bill fair; first, because it imposes a tax on oil and gas production and exempts all the other natural resources of the state; second, it not only exempts coal and other industries, but discriminates against those who are producing gas for domestic and industrial purposes in favor of those who are reducing it to carbon, by exempting lines through which gas is transported of less than ten miles, from taxation. I vote 'No.'"

Pending the calling of the roll, when his name was called, Mr. John said:

"MR. SPEAKER: Oil and gas constitute two of the greatest, richest and most useful resources of the state. They are the basis and hope of its domestic convenience and industrial growth. They are in the nature of wild and undiscovered original resources to be enjoyed by the people of the state.

"As a class or item of property, oil and gas is one of the greatest assets of the state available for taxation. Should they escape taxation because it was the policy of the state to tax only visible property before oil and gas development began? Should they escape taxation because, by their nature and methods of development, they are not accumulated in large and visible quantities for taxation on the first day of April, like other property? Should they escape taxation because the great financial interests that have so long exploited them have held the superior and dominant control of the taxing power? Should they escape taxation when seven-eighths of the oil and four-fifths of the gas are used and enjoyed by other states, and when any tax imposed would consequently fall on them for the great portions

thus used outside of West Virginia? Should they escape taxation until the oil and gas fields are all exhausted, and this class or item of assets is no longer available for taxation?

"The facts relating to production and taxation are startling and challenge immediate consideration and a square deal between all classes of citizens and tax-payers.

"The highest production of oil was in 1900, when it reached 16,195,675 barrels. By 1917, it declined nearly one-half, or to 8,379,235 barrels. Dr. I. C. White, state geologist, as a public servant of the state, is best qualified to speak and warn the state of the impending loss and future need. He estimates that three-fourths of the oil resources of the state have been exhausted. That three-fourths will never return to the state for purposes of taxation or industry. That portion is gone forever. Only one-fourth remains. Who shall enjoy and profit by it?

"The gas production fortunately has gradually increased until it reached 284,071,635,000 cubic feet with the year ending June 30, 1918, according to report of the public service commission. Of this about fifty billion cubic feet was consumed for industrial purposes in the state and about one hundred and ninety-five billion cubic feet transported out of the state, the remainder being used or lost in transportation and otherwise. The state geologist likewise estimates that three-fourths of the gas resources of the state are exhausted. When this fact stares investors in the face, will they bring their industries to West Virginia with the hope that they may have preference to the remaining one-fourth? Or shall the state permit its gas to flow free and untaxed to the homes and industries of other states? Shall the state lose both the asset of taxation and the enjoyment of the property?

"The value of oil produced in the state in 1916, as shown by the United States geological survey, was \$21,914,080 with decline in production as indicated above. The value of gas for the same year is shown to be \$47,603,396.

"It is conceded that leases are held unrecorded and unassessed, and, when recorded and assessed, are valued at a mere pittance. This is proper in wild-cat territory. It is claimed that the physical property, rigs, machinery and pipe lines are assessed and pay a great tax. That is true. But producing wells are inadequately taxed, and the millions of barrels of oil and billions of feet of gas that flow from the state every day of the year are not assessed on the day fixed by law for the assessment of other property. Hence all other property has borne and

will have to bear the burden that should have fallen on oil and gas. Besides, the resources will soon be gone and there will be no oil and gas to tax.

"Again, the state geologist estimates that the oil and gas resources of the state, if the enormous waste in the fields and factories was stopped and the use confined to domestic and high rate industrial concerns, would even then last only possibly twenty years. Hence the mass of the people of the present generation will soon find these commodities unavailable or beyond their means. Soon the industries depending upon them will decline. Already many are installing artificial gas producers or turning to the use of coal. During two severe winters, the people of West Virginia have suffered while other consumers of West Virginia gas have lived in comfort.

"This warning foretells the loss of this great tax bearing resource.

"Note the wealth involved and the profits earned. According to a table prepared by the public service commission of the state the outstanding capital of twelve great public service companies amounts to \$121,769,600.00. The gross earnings of these companies for 1917 was \$44,688,543.24; net \$16,490,319.88.

"Not being equally, justly or fairly taxed, how shall the remaining part of the state's riches in oil and gas production be taxed?

"The imposition of this tax, as admitted by all the gas representatives in the hearings before both the Senate and House committees, would require only a report of the accounts which every gas company now keeps. Every producer of oil and gas admits that it knows what quantity it delivers to its consumers and that the total quantity delivered in each month is kept as a part of its accounts and records. Hence the annual tax would be calculated by a simple method of bookkeeping. It would only be necessary to take the production of the year and multiply it by the rate. The bill imposes and requires no new or additional physical facilities.

"Hence the Legislature and the state find themselves face to face with the single question: Shall oil and gas bear a fair and equal portion of the burdens of taxation, or shall all the tax fall directly upon the people of the state and the vested interests escape?"

"I vote aye."

Pending the calling of the roll, when his name was called, Mr. Neale (of Cabell), said:

"MR. SPEAKER: I stand here ready and willing to vote for a tax that is equal and just upon all persons and corporations and had this

bill come back as it should have come I would vote in favor of it; I vote no."

Pending the calling of the roll, when his name was called, Mr. Parsons presented the following telegrams which were ordered printed in the Journal:

CHARLESTON, W. Va., March 21, 1919.

I. C. WHITE, *State Geologist*,
Morgantown, W. Va.

What portions of estimated oil and gas resources of state have been exhausted? How long will resources be sufficient for state? Would imposition of just tax on volume, production or transportation discourage development? What per cent of increased cost due to taxation would fall on West Virginians and what per cent on foreign consumers? Wire.

S. L. PARSONS,

Chairman Finance Committee.

MORGANTOWN, W. Va., March 21, 1919.

CAPTAIN S. L. PARSONS,
Chairman House Finance Committee,
Charleston, W. Va.

Replying to telegraphic inquiry, would say original oil resources of state probably three-fourths exhausted and the same of natural gas, of which more has been wasted than utilized. Natural gas is such a perfect domestic fuel that I have always urged it should never be used for manufacturing purposes, except in those industries that could afford to pay the domestic rate, like high-class cutlery, axes, tools, &c. If thus used the remaining supply would last for many years, possibly twenty. As to the effect of a special tax on gas and oil or on their transportation in discouraging development, I can give no definite opinion except the general one that no industry ever takes kindly to special taxation, and most of them as well as most individuals would prefer to shift the load on to the other fellow's shoulders. Do not have the data at hand to answer the question about the proportion of special tax that would fall on West Virginians compared with foreign consumers. The state tax commissioner could probably answer.

I. C. WHITE, *State Geologist.*

Pending the calling of the roll, when his name was called, Mr. Perin said:

"MR. SPEAKER: In explanation of my vote, I wish to state that I consistently opposed the original bill because I felt that to operate

under it the gas companies would be put to an enormous expense, not only for the installation of new equipment, but also in the greatly increased cost of operation and maintenance.

"The percentage of tax proposed, in itself, was not large—and in my opinion would not have proved a burden to the consumer. But when you add to that the large increase in price made necessary by the increased cost of production and which the public service commission, in fairness to the gas companies must allow, a very heavy burden has been placed upon the consumer, particularly the manufacturers of glass. Through this industry, on account of the low price of fuel, millions of dollars of capital and thousands of workmen have come into the state. I felt that an unnecessary and useless increase in the price of gas would not only deter other companies from coming here, but would prove a heavy handicap on those already in the state and in some instances might force them to discontinue their business. Such a condition would affect Morgan county most adversely by reason of the fact that the production of silica sand is its chief industry, and as this same silica sand is the principal ingredient of glass, anything that would tend to hurt the one industry would have the same effect on the other. Hence my opposition to the bill. My understanding of the Senate amendments is that the proposed tax now entails no difficulties of operation nor makes for any increase in the cost of production with the exception, of course, of the tax itself.

"So, feeling that this increase of one-third of a cent per thousand feet will not prove a hardship to either householder or manufacturer, I therefore vote aye."

Pending the calling of the roll, when his name was called, Mr. Sarver said:

"MR. SPEAKER: In explanation of my vote, I want to say that I do not believe in discrimination, and placing a tax upon one particular industry. I am willing to vote for a tax upon coal, oil and gas. The constitution of this state says that taxation shall be equal and uniform. Therefore, I vote no."

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Cocn, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hickman, Hobbs, Hcuvouras, John, Jones, Kern, Kuykendall, Mahan, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Richards, Rouss, Scott, Shamo, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—66.

The noes were:

Messrs. Cosner, Hersman, Howard, Lantz, Lester, Miller, Mollohan, Musser, McPherson, Neal (of Webster), Rankin, Sarver, Spangler, Starcher, Stover, Williams (of Pleasants) and Wysong—17.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Hamilton, Hilleary, Shaw, Sturm and Vanmeter—10.

Mr. McCauley moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Mollohan, Moore, Moran, Morris, Moulds, McCauley, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Stover, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Weiss, Williams (of Ohio) and Wolfe (Speaker)—68.

The noes were:

Messrs. Cosner, Lester, Miller, Musser, McPherson, Neal (of Webster), Sarver, Starcher, Williams (of Pleasants) and Wysong—10.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Hale, Hamilton, Hickman, Hilleary, Lantz, Peck, Shaw, Sturm, Vaughn and Vanmeter—15.

So two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 9) takes effect from its passage.

Ordered, That Mr. Anderson communicate to the Senate the passage of the bill (S. B. No. 9) as amended, and request concurrence therein.

Senate Bill No. 13—"A Bill to authorize the purchase in the open market of the bonds of this state, issued in the settlement of West Virginia's part of the Virginia debt."

Which was heretofore under consideration, pending the call of the roll, was taken up for further consideration, and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hersman, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Pridemore, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Stover, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—79

The noes were:

Messrs. Sarver and Starcher—2.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Hamilton, Hickman, Hilleary, McCauley, Shaw, Sturm and Vanmeter—12.

Ordered, That Mr. Anderson communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 13).

Mr. Moore offered the following resolution:

WHEREAS, the following named officers and attaches who were here for the purpose of serving and did serve at the regular session of the legislature and who were called back in this extraordinary session; therefore be it

Resolved, That the following officers and attaches be allowed the amounts set opposite their respective names, being for mileage, not more than ten cents per mile traveled by each officer and attache in coming from and returning to their homes in attendance upon this extra session of the legislature:

W. H. C. Curtis, sergeant-at-arms.....	\$53.20
W. H. Hutchinson, asst. sergeant-at-arms.....	21.00
J. H. Shriver, doorkeeper.....	33.20
J. C. Hamilton.....	11.00
Chas. A. Nuzum.....	33.20
J. E. McGlothlin.....	29.80
Robert Chidester	55.00
Anne Pedigo	57.60
Willa Hyatt	60.20
Lottie Early	16.00

The mileage hereby provided for the officers and attaches aforesaid shall be paid out of the contingent fund of the House, and the sergeant-at-arms is directed to draw his warrants upon the auditor in favor of the officers and attaches aforesaid, covering the respective amounts provided for.

Referred to the Committee on Rules.

The following communication was received from His Excellency, Jno. J. Cornwell, Governor, reported by the Clerk and ordered printed in the Journal:

March 31, 1919.

MR. C. L. TOPPING,
Clerk House of Delegates,
Charleston, West Virginia.

DEAR SIR:

I have this day approved House Bill No. 4, "An Act creating a Department of Public Safety."

Yours very truly,

JNO. J. CORNWELL, *Governor.*

On motion of Mr. Weiss, the House recessed until 2:30 o'clock, P. M.

AFTERNOON SESSION.

The House met at the expiration of the recess.

A message from the Senate by Mr. Arnold, announced the concurrence of that body in the House amendments to

Senate Bill No. 9—"A Bill providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia

prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment."

And the passage of the bill, as amended.

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

On third reading, coming up in regular order for consideration, was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brand, Brammer, Bray, Capehart, Coleman, Coon, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollchan, Moore, Morris, Moulds, Musser, McCauley, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Peck, Perin, Pettigrew, Rankin, Rouss, Sarver, Scott, Shomo, Spangler, Starcher, Summers, Swisher, Taylor, Thomas, Twyman, Vaughn, Wysong and Wolfe (Speaker)—60.

The nays were:

Messrs. Anderson, Byrnes, Godfrey, Hale, McClaren, Otto, Parsons, Pedigo, Richards, Thurmond, Weiss and Williams (of Ohio)—12.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Clements, Coberly, Cox, Cunningham, Hamilton, Hersman, Hickman, Hilleary, Howard, Miller, Moran, Pridemore, Shaw, Stover, Sturm, Vanmeter and Williams (of Pleasants)—21.

Mr. McClintic moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Coleman, Coon, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Harvey, Hendricks, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollchan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey,

Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Otto, Parsons, Pedigo, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Summers, Swisher, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—69.

The noes were:

Messrs. Anderson, Calhoun and Hale—3.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Clements, Coberly, Cox, Cunningham, Hamilton, Hays, Hersman, Hickman, Hilleary, Howard, Miller, Peck, Pridemore, Sarver, Shaw, Sturm, Vanmeter and Williams (of Pleasants)—21.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 18) takes effect from its passage.

Ordered, That Mr. McClintic communicate to the Senate the passage of the bill and request concurrence therein.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(Sen. Sub. for H. B. No. 3)—An Act to levy a privilege tax on any person, firm or corporation engaged in the transportation of crude oil or petroleum, or the distillates thereof, or of natural gas, by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, and defining the duties of the state tax commissioner hereunder.

Also,

(S. B. No. 17) An Act authorizing co-operation between the state department of agriculture and the United States department of agriculture, and prescribing duties for assessors in relation thereto, and to secure a more perfect listing of agricultural land and products.

And,

(S. B. No. 1)—An Act to amend and re-enact section two, of chapter one hundred and twenty-six of the acts of the regular session

of the legislature of one thousand nine hundred and nineteen, relating to rate and manner of laying levies for taxation.

Respectfully submitted,

W. L. POLING.

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the thirty-first day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(Sen. Sub. for H. B. No. 3)—An Act to levy a privilege tax on any person, firm or corporation engaged in the transportation of crude oil or petroleum, or the distillates thereof, or of natural gas, by means of pipe lines, authorizing the state tax commissioner to provide rules and regulations for the collection of such tax, and defining the duties of the state tax commissioner hereunder.

Also,

(S. B. No. 17) An Act authorizing co-operation between the state department of agriculture and the United States department of agriculture, and prescribing duties for assessors in relation thereto, and to secure a more perfect listing of agricultural land and products.

And,

(S. B. No. 1)—An Act to amend and re-enact section two, of chapter one hundred and twenty-six of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to rate and manner of laying levies for taxation.

Respectfully submitted,

W. L. POLING.

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

A message from the Senate by Mr. Scherr, announced that that body had refused to concur in, and requested that the House recede from its amendments to

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes,"

And requested a conference.

On motion of Mr. Twyman, the House refused to recede from its amendments.

Whereupon,

The Speaker appointed the following conferees on the part of the House: Messrs. Moore, Pettigrew and Kern.

Senate Bill No. 18—"A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment."

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the treasury for the fiscal year ending June thirtieth, one thousand nine hundred and twenty, and for the fiscal year ending June thirtieth, one thousand nine hundred and twenty-one, the following sums of money for the following-named purposes:

Sec. 2. To pay additional salaries of the judges of the circuit courts in accordance with an act of the one thousand nine hundred and nineteen legislature, first extraordinary session:

For the year ending June 30, 1920.....	\$44,800.00
For the year ending June 30, 1921.....	44,800.00

On first reading, coming up in regular order for consideration, was read a first time.

On motion of Mr. Moore,

The constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by the yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Anderson, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Harvey, Hendricks, Hobbs, Houvouras, John, Jones, Kern, Kuykendall, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Nuttner, O'Connor, Otto, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Rouss, Scott, Shomo, Spangler, Starcher, Stover, Summers, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—69.

The noes were:

Messrs. Hall, Lantz and Neal (of Webster)—3.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Coberly, Cox, Hamilton, Hays, Hersman, Hickman, Hilleary, Howard, Lester, Miller, Pridemore, Sarver, Shaw, Sturm, Swisher, Vanmeter and Williams (of Pleasants)—21.

On the further motion of the same gentleman, reference of the bill to a committee was dispensed with and the bill ordered to its second reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a second time by its title.

Mr. McClintic moved to amend the bill by adding thereto the following section:

Section 3. To pay the expenses of the Department of Public Safety, including the compensation of the officers, employees and members, and all other expenses thereof according to the provisions of an act of the legislature of one thousand nine hundred and nineteen, first extraordinary session, creating such department:

For the year ending June 30, 1920..... \$225,000.00
 For the year ending June 30, 1921..... 225,000.00

Pending which,

Mr. Wysong moved to amend the amendment by striking out the figures "\$225,000.00," and inserting in lieu thereof the figures "\$100,000.00," for each year.

Pending which,

Mr. Moore rose to the point of order that under rule seven, which provides: "No amendment by way of rider shall be received to any bill after engrossment," the amendment proposed by Mr. McClintic was out of order.

Which point of order the Chair held not well taken.

The question recurring on the amendment to the amendment proposed by Mr. Wysong,

On that question,

The same gentleman demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coleman, Coon, Fitch, Hackney, Hendricks, Hobbs, Houvouras, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Otto, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Twyman, Weiss and Wysong—30.

The noes were:

Messrs. Anderson, Brand, Bray, Capehart, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hale, Hall, Harvey, Hays, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), O'Connor, Peck, Perin, Pettigrew, Rouss, Scott, Shomo, Summers, Taylor, Thomas, Thurmond, Vaughn, Williams (of Ohio) and Wolfe (Speaker)—45.

Absent and not votnig:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Coberly, Cox, Hamilton, Hersman, Hickman, Hilleary, Howard, Pridemore, Sarver, Shaw, Sturm, Swisher, Vanmeter and Williams (of Pleasants)—18.

So, a majority of all the members present and voting not having voted in the affirmative, the amendment to the amendment did not prevail.

The question recurring on the amendment proposed by Mr. McClintic, and

On that question,

Mr. Blizzard demanded the ayes and noes.

The demand being sustained, they were ordered and taken.

Pending which,

Mr. Starcher moved the announcement of the vote be postponed until 5 o'clock, P. M.

Which motion did not prevail.

Whereupon,

The Clerk announced the vote as follows:

The ayes were:

Messrs. Anderson, Brand, Bray, Capehart, Coberly, Cosner, Cunningham, Cuppett, Ferguson, Fortney (of Preston), Godfrey, Grove, Hall, Harvey, Hays, John, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, McCauley, McClaren, McClintic, McVey, O'Connor, Peck, Perin, Pettigrew, Rouss, Scott, Shomo, Summers, Thomas, Thurmond, Twyman, Vaughn, Williams (of Ohio) and Wolfe (Speaker)—43.

The noes were:

Messrs. Blizzard, Brammer, Byrnes, Clements, Coleman, Coon, Fitch, Fortney (of Harrison), Hackney, Hale, Hendricks, Hobbs, Houvouras, Jones, Moore, Morris, Musser, McDermitt, McPherson, Neale (of Cabell), Neal (of Webster), Nutter, Otto, Parsons, Pedigo, Rankin, Richards, Spangler, Starcher, Stover, Taylor, Weiss and Wysong—33.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Hamilton, Hersman, Hickman, Hilleary, Howard, Pridemore, Sarver, Shaw, Sturm, Swisher, Vanmeter and Williams (of Pleasants)—17.

So, a majority of all the members present and voting having voted in the affirmative, the amendment prevailed.

Mr. Wysong moved to amend the bill as follows:

"There shall not be appropriated out of any other fund or any money borrowed for the use of any item mentioned in this bill over and above the amounts herein specified."

Which amendment did not prevail.

The bill, as amended, was then ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays.

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Anderson, Brand, Brammer, Bray, Capehart, Coberly, Coleman, Coon, Cosner, Cunningham, Cuppett, Ferguson, Fitch, Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Houvouras, John, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Miller, Mollohan, Moran, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McVey, Nutter, O'Connor, Otto, Parsons, Peck, Perin, Pettigrew, Rankin, Rouss, Scott, Shomo, Summers, Swisher, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio) and Wolfe (Speaker)—59.

The noes were:

Messrs. Blizzard, Byrnes, Clements, Fortney (of Harrison), Hendricks, Hobbs, Moore, Morris, McPherson, Neal (of Webster), Pedigo, Richards, Spangler, Starcher, Stover, Taylor and Wysong—17.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Hamilton, Hersman, Hickman, Hilleary, Howard, Neale (of Cabell), Pridemore, Sarver, Shaw, Sturm, Vanmeter and Williams (of Pleasants)—17.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 18), as amended, and asked concurrence in the amendment thereto.

The Speaker declared the House recessed until 5 o'clock, P. M.

The House met at the expiration of the recess.

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the

regular session of the legislature, one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes,"

Being a message from the Senate this afternoon, was taken up for immediate consideration.

Mr. Moore, from the conference committee on the part of the House, submitted the following report:

The undersigned members of the conference committee appointed by the President of the Senate and Speaker of the House, respectively, to consider amendments made to Engrossed Senate Bill No. 7, by the House, beg leave to report as follows:

First—That the amendment made by the House on page three, by inserting after the word "peddler," in line sixteen, the following: "*Provided*, no person not a citizen of the United States shall be licensed to act as a hawker or peddler," be withdrawn from the bill.

Second—That the amendment on page four, line twenty-eighth, after the word "right," by inserting the words "other than his own," be withdrawn from the bill.

Third—That the amendment on page five, line forty-four, subsection (p), by striking out the words "dirks, slung-shots, billies, bowie knives, metallic or other false knuckles," and by inserting after the word "kind," the following: "It shall be unlawful to sell dirks, slung-shots, billies, bowie knives, metallic or other false knuckles or weapons of like kind in the state of West Virginia after the first day of July, one thousand nine hundred and nineteen," be withdrawn from the bill.

Fourth—That the amendment on page six, line seventy-nine, by inserting after the word "wholesale" the words "or retail," be withdrawn from the bill.

Fifth—That the bill be amended on page eleven, section one hundred and twenty-a, by striking out all said section and inserting in lieu thereof the following:

"Sec. 120-a. The state license tax on every wholesaler, distributor or manufacturer engaging in the manufacturing, preparing, mixing, compounding, selling or distributing any and all preparation of every kind, character and nature, commonly called and known as soft drinks, such as prepared, mixed and sold at what is commonly called a soda fountain, and all such preparations as bevo, milo, pablo, moxie, ginger ale, near beer, coco cola, pop and all other preparations, mixtures, compounds of every kind and character, commonly called and known as soft drinks, shall be, on each manufacturer, wholesaler or distributor, the sum of one hundred dollars annually; *provided*, that

nothing in this act contained shall be construed to require any manufacturer to pay the license herein provided for, whose annual gross business does not exceed two thousand five hundred dollars, nor to prevent any such manufacturer, whose annual gross business does not exceed two thousand five hundred dollars, from distributing the product of his own manufacture without paying the license fee aforesaid."

Respectfully submitted,

A. E. SOHERR,

Chairman of Senate Conference Committee.

EVERETT F. MOORE,

Chairman of House Conference Committee.

On motion of Mr. Moore, the conference committee report was read by the Clerk and agreed to.

On the passage of the bill, as amended,

The ayes were:

Messrs. Blizzard, Brand, Brammer, Byrnes, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Houvouras, Howard, John, Jones, Mahan, Moore, Moran, Musser, McPherson, Neale (of Cabell), Nutter, Parsons, Pedigo, Pettigrew, Richards, Scott, Shomo, Spangler, Starcher, Stover, Taylor, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—35.

The noes were:

Messrs. Bray, Capehart, Clements, Cosner, Cuppett, Ferguson, Fortney (of Preston), Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hobbs, Kern, Kuykendall, Lantz, Miller, Mollohan, Morris, Moulds, McCauley, McClaren, McClintic, McVey, Neal (of Webster), O'Connor, Peck, Perin, Rankin, Rouss, Summers, Thomas, Thurmond and Twyman—36.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bannister, Bland, Calhoun, Coberly, Cox, Hamilton, Hersman, Hickman, Hilleary, Lester, McDermitt, Otto, Pridemore, Sarver, Shaw, Sturm, Swisher, Vaughn, Vanmeter and Williams (of Pleasants)—22.

So, a majority of all the members present and voting not having voted in the affirmative, the bill (S. B. No. 7) was rejected.

Ordered, That Mr. Moore communicate to the Senate the action of the House of Delegates.

Mr. McClintic, from the Committee on Rules, offered the following resolutions, which were severally read by the Clerk:

Resolved, That in order to complete the work of the extraordinary session in arranging and filing of all bills, resolutions and other official papers in the Clerk's office and to allow time for the proper indexing of the corrected House Journal and the superintending the printing thereof, that the per diem of the Clerk of the House and two assistant clerks and one stenographer be extended fifty days after the adjournment of the session at the rate per diem received during the session and for the proof reading, indexing and superintending the printing of the acts of the said extraordinary session of the legislature, the Clerk be allowed four other assistant clerks for the purpose of assisting in indexing and proof reading the Journal of the House and the acts of the legislature with an extension of forty days each with the pay of assistant clerk during the session; also the time of one minute clerk be extended for forty-five days, with pay of minute clerk, to make up the Journal of the last day of the session and to check up the corrected Journal, and that the Clerk be allowed one page for thirty days with same pay received by Clerk's page during the session.

That the Sergeant-at-Arms of the House of Delegates be allowed an extension of thirty days for the purpose of closing up the accounts of all the members and attaches with the auditor of the state, forwarding all mail coming to the capitol for members and posting up his books.

That the Speaker of the House of Delegates be allowed an extension of fifty days for the purpose of signing the Journal of the House of Delegates for the extraordinary session and his other duties as such officer, and that the stenographer to the Speaker be extended fifty days at the rate per diem received during the session.

WHEREAS, the Speaker on the last day of the regular session of one thousand nine hundred and nineteen ordered that the members leave their Journal and bill-books on their desks, and that they would be taken care of, and the same preserved, in order that they might be used again at the extraordinary session of one thousand nine hundred and nineteen, thereby saving the state the added cost of purchasing a new set of books for each member, and that John H. Goshorn and Virgil Frizzell were ordered to remain and take care of the same and to put in condition for the use of the members the Journal and bill room; and

WHEREAS, they worked faithfully during the interim in pursuance of these duties; therefore, be it

Resolved, That John H. Goshorn and Virgil Frizzell be allowed the per diem of six dollars for the seventeen days' interim between the regular and extraordinary sessions.

Resolved, That the Sergeant-at-Arms of the House of Delegates is hereby authorized and directed to draw his warrants payable to the Clerk of the House of Delegates for the extensions hereinbefore provided for, payable out of the contingent fund of the House of Delegates, extraordinary session, to be by said Clerk of the House paid to the respective officers and clerks when the services are rendered for the per diem as provided for in this resolution, and the auditor is hereby directed to pay same on presentation of said warrants.

WHEREAS, Robert Chidister and Loyd Rock have performed the duties of bill record clerks during the extraordinary session under the direction of the Clerk of the House; therefore, be it

Resolved, That the Sergeant-at-Arms be authorized and directed to draw his warrants on the auditor, for the per diem that is or may become due at the rate as assistant clerks, and the auditor is authorized and directed to pay same; be it further

Resolved, That the per diem of Lewis Shaffer be extended sixty days to act as watchman and janitor for the Speaker's room and Clerk's office at the same per diem as received during the session, and the Sergeant-at-Arms is directed to issue his warrants upon the auditor therefor, payable out of the contingent fund, House of Delegates, extraordinary session, and the auditor is authorized and directed to pay same on presentation.

WHEREAS, the following-named officers and attaches who were here for the purpose of serving and did serve at the regular session of the legislature and who were called back in this extraordinary session; therefore, be it

Resolved, That the following officers and attaches be allowed the amounts set opposite their respective names, being for mileage, not more than ten cents per mile traveled by each officer and attache in coming from and returning to their homes in attendance upon this extraordinary session of the legislature:

W. H. C. Curtis, Sergeant-at-Arms.....	\$53.20
W. H. Hutchinson, Assistant Sergeant-at-Arms.....	21.00
J. H. Shriver, Doorkeeper.....	33.20
J. C. Hamilton.....	11.00
Chas. A. Nuzum.....	33.20
J. E. McGlothlin.....	29.80
Robert Chidester	55.00

Anne Pedigo	57.60
Willa Hyatt	60.20
Lottie Early	16.00
Maude Perry	3.70
Tom Johnson	2.70
Sam Wood	47.60
S. H. Hughes	6.60
G. Z. McClung	15.00
Frank Johnson	5.00
Chas. Turner	6.30
Bob Thornton	53.20

The mileage hereby provided for the officers and attaches aforesaid shall be paid out of the contingent fund of the House, and the Sergeant-at-Arms is directed to draw his warrants upon the auditor in favor of the officers and attaches aforesaid, covering the respective amounts provided for; and

WHEREAS, the librarian of this House has been in attendance during this special session of the legislature, and has faithfully discharged his duties as such; and

WHEREAS, no provision has been made to pay him for services; therefore, be it

Resolved, That the librarian, M. C. Staats, be paid for his said services the sum of four dollars per day, during this present extra session; and that James Bass be paid for seven days as janitor during the time between regular and extra sessions; be it further

Resolved, That the assistant sergeant-at-arms be allowed an extension of ten days at the per diem of five dollars per day; and that Alice Pettigrew be allowed an extension of eight days as floor stenographer for the legislative committees prior to the meeting of the extraordinary session.

And the Sergeant-at-Arms is hereby directed to draw his warrant on the auditor of the state for the above amounts, payable out of the contingent fund of the House of Delegates, and the auditor is hereby directed to pay the same.

Mr. McClintic moved that the resolutions be taken up for immediate consideration and adopted, and

On that question,

Mr. Hall demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cosner, Cunningham, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Harvey, Hays, Hendricks, Hobbs, Houvouras, Howard, John, Jones, Kern, Kuykendall, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McVey, Neale (of Cabell), Nutter, Parsons, Peck, Pedigo, Perin, Pettigrew, Rankin, Richards, Scott, Spangler, Starcher, Stover, Summers, Thomas, Thurmond, Twyman, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—57.

The noes were:

Messrs. Brand, Coberly, Cuppett, Ferguson, Fitch, Hall, Lantz, Mollohan, McPherson, Neal (of Webster), O'Connor, Shomo and Taylor—13.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bannister, Bland, Blizzard, Calhoun, Cox, Hamilton, Hersman, Hickman, Hilleary, Lester, McCauley, Otto, Pridemore, Rouss, Sarver, Shaw, Sturm, Swisher, Vaughn, Vanmeter and Williams (of Pleasants)—23.

So, a majority of all the members present and voting having voted in the affirmative, the resolutions were adopted.

Mr. Wysong offered the following resolution:

WHEREAS, it will be necessary that someone take care of the bills and Journal books in order to mail same to the members and to make sets for all the offices and officials of the state; therefore, be it

Resolved, That the time of Richard T. Sterling and Ira D. Maynor, journal pages, be extended fifteen days, in order to carry out this work, and that they be paid the per diem of six dollars per day, and that the Sergeant-at-Arms be ordered to draw his warrants on the auditor, to be paid out of the contingent fund of the House.

The same gentleman moved that the resolution be taken up for immediate consideration and adopted.

Whereupon,

Mr. Twyman rose to the point of order that, under the rules, the resolution must be referred to the Committee on Rules,

Which point of order the Chair held well taken.

The following communication was received from His Excellency, the Governor, read by the Clerk and ordered printed in the Journal:

MARCH 29, 1919.

CLERK OF THE HOUSE OF DELEGATES,
City.

MY DEAR SIR: I have this day approved and return, herewith, the following bills:

House Bill No. 2, passed March 15th, 1919.

House Bill No. 19, passed March 24th, 1919.

Very truly yours,

JNO. J. CORNWELL, *Governor.*

A message from the Senate by Mr. Arnold, announced the concurrence of that body in the passage, to take effect from its passage, of

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

Mr. Taylor moved to reconsider the vote by which

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia of one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes,"

Was, this afternoon, rejected.

Pending which,

Mr. McClintic moved that the House recess until 7:30 o'clock, P. M., Which motion did not prevail.

The question recurring on the motion of Mr. Taylor to reconsider the vote by which Senate Bill No. 7 was rejected,

On that question,

Mr. McClintic demanded the ayes and noes.

The demand being sustained, they were ordered and taken as follows:

The ayes were:

Messrs. Blizzard, Brand, Brammer, Byrnes, Capehart, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Hale, Hobbs, Houvouras, Howard, John, Jones, Mahan, Moore, Morris, Moulds, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Parsons, Pedigo, Pettigrew, Rankin, Richards, Scott, Shomo, Spangler, Starcher, Stover, Taylor, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—41.

The noes were:

Messrs. Bray, Clements, Coberly, Cosner, Cuppett, Ferguson, Fortney (of Preston), Grove, Hackney, Hall, Harvey, Hays, Hendricks, Kern, Kuykendall, Lantz, Miller, Mollohan, Moran, McCauley, McClaren, McClintic, McVey, Neal (of Webster), O'Connor, Peck, Perin, Summers, Thomas, Thurmond and Twyman—31.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bannister, Bland, Calhoun, Cox, Hamilton, Hersman, Hickman, Hilleary, Lester, Otto, Pridemore, Rouss, Sarver, Shaw, Sturm, Swisher, Vaughn, Vanmeter and Williams (of Pleasants)—21.

So, a majority of all the members present and voting having voted in the affirmative, the motion to reconsider the vote by which Senate Bill No. 7 was rejected, prevailed.

The question recurring on the passage of the bill (S. B. No. 7), as amended by the conference committee, the Clerk proceeded with the roll call.

Pending the announcement of the vote,

Mr. McClintic rose to the point of order that under the constitutional rule it takes forty-eight (48) votes to pass the bill (S. B. No. 7).

Which point of order the Chair held not well taken.

Whereupon,

The Clerk announced the vote as follows:

The ayes were:

Messrs. Blizzard, Brand, Brammer, Byrnes, Capehart, Coleman, Coon, Cunningham, Fitch, Fortney (of Harrison), Godfrey, Hobbs, Houvouras, Howard, John, Jones, Mahan, Miller, Moore, Moulds, Musser, McDermitt, McPherson, Neale (of Cabell), Nutter, Parsons, Pedigo, Pettigrew, Rankin, Richards, Scott, Shomo, Spangler,

Starcher, Stover, Taylor, Weiss, Williams (of Ohio), Wysong and Wolfe (Speaker)—40.

The noes were:

Messrs. Anderson, Bray, Clements, Coberly, Cosner, Cuppett, Ferguson, Fortney (of Preston), Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Kern, Kuykendall, Lantz, Mollohan, Moran, Morris, McCauley, McClaren, McClintic, McVey, Neal (of Webster), O'Connor, Peck, Summers, Thomas, Thurmond and Twyman—32.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Hamilton, Hersman, Hickman, Hilleary, Lester, Otto, Perin, Pridemore, Rouss, Sarver, Shaw, Sturm, Swisher, Vaughn, Vanmeter and Williams (of Pleasants)—21.

Ordered, That Mr. Moore communicate to the Senate the concurrence of the House of Delegates in the passage of the bill (S. B. No. 7), as amended by the conference committee.

A message from the Senate by Mr. Scherr, announced that the Senate had adopted the report of the conference committee, and passed, as amended,

Senate Bill No. 7—"A Bill to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia of one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes."

And asked the concurrence of the House therein.

On motion of Mr. Moore, the House recessed until 8 o'clock, p. m.

NIGHT SESSION.

The House met at the expiration of the recess.

A message from the Senate by Mr. Arnold, announced that the Senate had amended, and passed as amended, and asked the concurrence of the House in the amendments to

House Bill No. 18—"A Bill to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session."

On motion of Mr. McClintic, the bill (H. B. No. 18) was taken up for immediate consideration.

The amendments proposed by the Senate were severally reported by the Clerk and agreed to.

The amendments are as follows:

On page one, section one, line ten, by striking out the word "one-half" and inserting in lieu thereof the word "one-fourth."

On page three, section two, at the end of line one, by adding the words "levied for the state fiscal year 1919 and succeeding years, and shall be."

The bill (H. B. No. 18) as amended, was then passed with its title.

On the passage of the bill,

The ayes were:

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hall, Hobbs, Houvouras, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, Parsons, Pedigo, Pettigrew, Rankin, Richards, Shomo, Spangler, Stover, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—55.

The noes were:

Messrs. Anderson, Coberly and O'Connor—3.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Coon, Cox, Cunningham, Godfrey, Hackney, Hale, Hamilton, Harvey, Hays, Hendricks, Hersman, Hickman, Hilleary, Howard, John, Miller, McCauley, Otto, Peck, Perin, Pridemore, Rouss, Sarver, Scott, Shaw, Starcher, Sturm, Summers, Swisher, Vanmeter and Wysong—35.

Mr. McClintic moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were:

Messrs. Anderson, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Ccberly, Coleman, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hall, Harvey, Hays, Hendricks, Hobbs, Houvouras, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Mollohan, Mcore, Moran, Morris, Moulds, Musser, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Pedigo, Pettigrew, Rankin, Richards, Shomo, Spangler, Stover, Summers, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants), Wysong and Wolfe (Speaker)—63.

The noes were:

None.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Coon, Cox, Cunningham, Godfrey, Hackney, Hale, Hamilton, Hersman, Hickman, Hilleary, Howard, John, Miller, McCauley, Otto, Peck, Perin, Pride-more, Rouss, Sarver, Scott, Shaw, Starcher, Sturm, Swisher and Van-meter—30.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (H. B. No. 18) takes effect from its passage.

Ordered, That Mr. McClintic communicate to the Senate the concurrence of the House of Delegates in the passage of the bill as amended.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 9)—An Act providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment.

And,

(S. B. No. 13)—An Act to authorize the purchase of the bonds of this state, issued in settlement of West Virginia's part of the Virginia debt.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the thirty-first day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 9)—An Act providing for the payment of West Virginia's part of the public debt of the commonwealth of Virginia prior to the first day of January, one thousand eight hundred and sixty-one, as ascertained by the judgment of the supreme court of the United States and adjusted by the two states, and to provide for the issuance of bonds and the raising and appropriation of money for the payment of said judgment.

And,

(S. B. No. 13)—An Act to authorize the purchase of the bonds of this state, issued in settlement of West Virginia's part of the Virginia debt.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

A message from the Senate by Mr. Arnold, announced the passage by that body of

Engrossed Senate Bill No. 21—"A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment."

And asked the concurrence of the House therein.

On motion of Mr, Twyman, the bill (S. B. No. 21) was taken up for immediate consideration, read a first time, and reference to a committee dispensed with.

The same gentleman further moved that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with.

On that question,

The Clerk called the roll, which is as follows:

The ayes were:

Messrs. Anderson, Blizzard, Brand, Brammer, Byrnes, Capehart, Clements, Ccberly, Coleman, Coon, Cosner, Cuppett, Ferguson, Fortney (of Harrison), Fortney (of Preston), Grove, Hays, Hobbs, Houvouras, Jones, Kern, Kuykendall, Lantz, Mahan, Miller, Moore, Moran, Morris, Moulds, Musser, McClaren, McClintic McDermitt, McPherson, Neale (of Cabell), Nutter, O'Connor, Parsons, Peck, Pedigo, Richards, Shomo, Spangler, Starcher, Stover, Taylor, Twyman, Vaughn, Weiss, Wysong and Wolfe (Speaker)—51.

The noes were:

Messrs. Bray, Fitch, Hackney, Hall, Harvey, Hendricks, Lester, Mollohan, McVey, Neal (of Webster), Pettigrew, Rankin, Summers, Thomas, Thurmond, Williams (of Ohic) and Williams (of Pleasants)—17.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Cox, Cunningham, Godfrey, Hale, Hamilton, Hersman, Hickman, Hilleary, Howard, John, McCauley, Otto, Perin, Pridemore, Rouss, Sarver, Scott, Shaw, Sturm, Swisher and Vanmeter—25.

So, four-fifths of all the members present not having voted in the affirmative, the motion to dispense with the constitutional rule did not prevail.

The Speaker declared the House recessed for fifteen minutes.

The House met at the expiration of the recess.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 18)—An Act making appropriations of public moneys out of the treasury in accordance with the provisions of the amend-

ment to the constitution of the state of West Virginia, known as the Budget Amendment.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the thirty-first day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 18)—An Act making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) have examined and found truly enrolled:

(S. B. No. 7)—An Act to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, of one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia,

one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine hundred and nineteen, relating to regulations respecting licenses and license taxes.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) submitted the following report, which was received:

Your Joint Committee on Passed Bills, (otherwise known as the Joint Committee on Enrolled Bills,) report that on the thirty-first day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the Governor, for his approval, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 7).—An Act to amend and re-enact sections one and one hundred and twenty of chapter thirty-two of Barnes' code of West Virginia, of one thousand nine hundred and sixteen, as amended and re-enacted by chapter one hundred and two (Senate Bill No. 99) of the acts of the legislature of West Virginia, one thousand nine hundred and nineteen, and section one hundred and fourteen of chapter thirty-two of Barnes' code of West Virginia, one thousand nine hundred and sixteen, and section sixty-four of chapter thirty-two of Barnes' code, one thousand nine hundred and sixteen, as amended and re-enacted by chapter thirty-nine of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, and as further amended by chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of West Virginia, one thousand nine hundred and nineteen, and sections forty and one hundred and twenty-a of chapter one hundred and two (Senate Bill No. 99) of the acts of the regular session of the legislature of one thousand nine

hundred and nineteen, relating to regulations respecting licenses and license taxes.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

A message from the Senate by Mr. Scherr, announced the concurrence of that body in the adoption of

H. C. R. No. 3. (BY MR. FORTNEY, OF PRESTON.)

"Authorizing the janitor of the capitol to employ, under the statute, additional help during the present extra session of the legislature."

Resolved by the House of Delegates, the Senate concurring therein:

That the janitor of the capitol appoint, not to exceed eleven additional helpers during the present extra session of the legislature, at the rate of three dollars per day each, six of whom shall be paid out of the contingent fund of the House, upon proper warrants drawn by the sergeant-at-arms of the House upon the auditor, and five to be paid out of the contingent fund of the Senate upon proper warrants drawn upon the auditor by the Clerk of the Senate; and that the three dollars per day allowed by law to the chief janitor as extra compensation during the session, be paid one-half out of the contingent fund of the House and the other half out of the contingent fund of the Senate, upon warrants drawn by the proper officers upon the auditor.

Resolved, further, that the janitor also appoint two charwomen, who shall receive the same compensation as the assistant legislative janitors, one of said charwoment to be paid out of the contingent fund of the House and the other out of the contingent fund of the Senate upon warrants drawn upon the auditor by the sergeant-at-arms of the House and the Clerk of the Senate respectively.

A message from the Senate by Mr. Coalter, announced the passage by that body of

Senate Bill No. 20—"A Supplementary Bill making appropriations of public money to pay the per diem and mileage of members of the legislature for the first extraordinary session of one thousand nine hundred and nineteen and for salaries of the officers and attaches thereof, and miscellaneous expenses in connection therewith."

And asked the concurrence of the House therein.

On motion of Mr. Moore the bill was taken up for immediate con-

sideration, read a first time, and reference to a committee dispensed with.

On the further motion of the same gentleman, the constitutional rule requiring the bill to be fully and distinctly read on three different days, was dispensed with by four-fifths of all the members present by a vote taken by yeas and nays.

On dispensing with the constitutional rule,

The ayes were:

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coleman, Coon, Cuppett, Ferguson, Fitch, Fortney (of Harrisbn), Fortney (of Preston), Godfrey, Grove, Hackney, Hall, Harvey, Hays, Hendricks, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lantz, Lester, Mahan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parscns, Peck, Pedigo, Pettigrew, Rankin, Richards, Shomo, Starcher, Stover, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—63.

The noes were:

Mr. Coberly—1.

Absent and not voting:

Messrs. Anderson, Blackhurst, Bannister, Bland, Calhoun, Cosner, Cox, Cunningham, Hale, Hamilton, Hersman, Hickman, Hilleary, John, Miller, Mollohan, Otto, Perin, Pridemore, Rouss, Sarver, Scott, Shaw, Spangler, Sturm, Summers, Swisher, Vanmeter and Wysong—29.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a second time by its title.

On motion of Mr. Moore, the bill was amended as follows:

On page two, line twenty-six, by striking out the figures "\$3.00" and inserting in lieu thereof the figures "\$4.00," and in line twenty-seven strike out the figures "\$252.00" and insert in lieu thereof the figures "\$336.00."

On motion of Mr. Pettigrew, the bill was amended as follows:

On page three, line thirty, strike out the figures "\$4.00" and insert in lieu thereof the figures "\$6.00," and in line thirty-one strike out the figures "\$420.00" and insert in lieu thereof the figures "\$630.00."

The bill, as amended, was then ordered to its third reading.

The constitutional rule requiring the bill to be fully and distinctly read on three different days having been dispensed with by four-fifths of all the members present, by a vote taken by yeas and nays,

On the further motion of the same gentleman, the bill was read a third time and passed with its title.

On the passage of the bill,

The ayes were :

Messrs. Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Clements, Coberly, Coon, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Grove, Hackney, Harvey, Hays, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic, McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pettigrew, Rankin, Richards Spangler, Starcher, Stover, Summers, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—61.

The noes were :

Mr. Hall—1.

Absent and not voting :

Messrs. Anderson, Blackhurst, Bannister, Bland, Calhoun, Coleman, Cox, Cunningham, Godfrey, Hale, Hamilton, Hendricks, Hersman, Hickman, Hilleary, John, Lantz, Miller, Otto, Pedigo, Perin, Pridemore, Rouss, Sarver, Scott, Shaw, Shomo, Sturm, Swisher, Vanmeter and Wysong—31.

Mr. Moore moved that the bill take effect from its passage.

On the question, "Shall the bill take effect from its passage?"

The ayes were :

Messrs. Anderson, Blizzard, Brand, Brammer, Bray, Byrnes, Capehart, Coleman, Coon, Cosner, Cuppett, Ferguson, Fitch, Fortney (of Harrison), Fortney (of Preston), Godfrey, Grove, Hackney, Hale, Hall, Harvey, Hays, Hendricks, Hobbs, Houvouras, Howard, Jones, Kern, Kuykendall, Lester, Mahan, Mollohan, Moore, Moran, Morris, Moulds, Musser, McCauley, McClaren, McClintic McDermitt, McPherson, McVey, Neale (of Cabell), Neal (of Webster), Nutter, O'Connor, Parsons, Peck, Pettigrew, Rankin, Richards, Shomo, Spangler, Starcher, Stover, Summers, Taylor, Thomas, Thurmond, Twyman, Vaughn, Weiss, Williams (of Ohio), Williams (of Pleasants) and Wolfe (Speaker)—66.

The noes were :

None.

Absent and not voting:

Messrs. Blackhurst, Bannister, Bland, Calhoun, Clements, Coberly, Cox, Cunningham, Hamilton, Hersman, Hickman, Hilleary, John, Lantz, Miller, Otto, Pedigo, Perin, Pridemore, Rouss, Sarver, Scott, Shaw, Sturm, Swisher, Vanmeter and Wysong—27.

So, two-thirds of all the members elected to the House, having voted in the affirmative, the Speaker declared that the bill (S. B. No. 20) takes effect from its passage.

Ordered, That Mr. Moore communicate to the Senate the concurrence of the House of Delegates in the passage of the bill, as amended, and request concurrence in the amendments thereto.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills) have examined and found truly enrolled:

(H. B. No. 18)—An Act to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of one thousand nine hundred and seventeen, second extraordinary session.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills) report that on the thirty-first day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the governor, for his approval, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(H. B. No. 18)—An Act to provide additional revenue for the state of West Virginia by imposing an additional excise tax and to repeal sections three and four of chapter six of the acts of the legislature of

one thousand nine hundred and seventeen, second extraordinary session.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills) have examined and found truly enrolled:

(S. B. No. 20)—An Act making appropriations of public money to pay the per diem and mileage of members of the legislature for the first extraordinary session of one thousand nine hundred and nineteen and salaries of the officers and attaches thereof, and miscellaneous expenses in connection therewith.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

Mr. Godfrey, from the Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills), submitted the following report, which was received:

Your Joint Committee on Passed Bills (otherwise known as the Joint Committee on Enrolled Bills) report that on the thirty-first day of March, one thousand nine hundred and nineteen, they presented to His Excellency, the governor, for his approval, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates, entitled:

(S. B. No. 20)—An Act making appropriations of public money to pay the per diem and mileage of members of the legislature for the first extraordinary session of one thousand nine hundred and nineteen and salaries of the officers and attaches thereof, and miscellaneous expenses in connection therewith.

Respectfully submitted,

W. L. POLING,

Chairman Senate Committee.

W. R. GODFREY,

Chairman House Committee.

A message from the Senate by Mr. Harmer, announced the adoption by that body of the report of the conference committee as to

House Bill No. 7—"A Bill to amend and re-enact section two of chapter seven of the acts of the legislature of West Virginia, one thousand nine hundred and seventeen, relating to the protection of sheep, the conservation of food supply for the maintenance of the people and tagging and taxing dogs."

And asked the concurrence of the House therein.

The Clerk reported the report of the committee of conference, which is as follows:

Your committee of conference on the disagreeing votes of the two houses as to

Senate substitute for House Bill No. 7—"A Bill relating to the protection of sheep and the tagging and taxing of dogs,"

After a full and free conference, have agreed to recommend and do recommend that the Senate agree to the amendment proposed by the House of Delegates.

C. H. HUNTER, *Chairman.*

G. C. ARNOLD,

MILTON BURR,

Conferees on the part of the Senate. ..

W. M. MORRIS,

F. N. HAYS,

Conferees on the part of the House of Delegates.

On motion of Mr. Hays, the further consideration of the bill (H. B. No. 7) was indefinitely postponed.

Mr. Moran moved that the House reconsider the vote by which the House refused to dispense with the constitutional rule as to

Engrossed Senate Bill No. 21—"A Supplementary Appropriation Bill making appropriations of public moneys out of the treasury in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the Budget Amendment,"

Which motion did not prevail.

Unanimous consent being given,

Mr. Moore offered the following resolution:

HOUSE CONCURRENT RESOLUTION No. 8.

"Raising a joint committee to wait upon the governor."

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee of five, consisting of three on the part of the House of Delegates, to be appointed by the Speaker thereof, and two on the part of the Senate, to be appointed by the President thereof,

